



*Land of Cheese, Trees and Ocean Breeze*

**FLOODWAY DEVELOPMENT PERMIT #851-24-00622-PLNG  
COWAN/BOONE - DOCK**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:  
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,  
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

March 23, 2026

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited requests on March 23, 2026. A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00pm on April 6, 2026**. This decision will become final on April 6, 2026 after 4:00pm unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article X.

**Request:** An Estuary and Floodplain Development Permit for the placement of a dock on a property improved with an existing single-family dwelling near the Nestucca River.

**Location:** The subject property is located at 34100 Brooten Road, a County road, and is designated as Tax Lot 5201, of Section 19AC of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon

**Zone:** Pacific City/Woods Low Density Residential (PCW-R2) & Estuary Conservation 1 (EC1) Zone

**Applicant:** Amber B. Cowan, 1198 NW Park Ave, Estacada, OR 97023

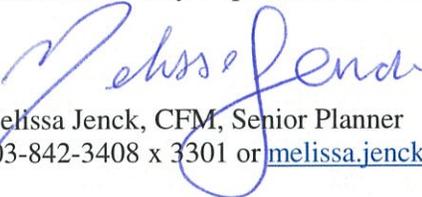
**Property Owner:** Debbie Boone & Kevin Kilgore, 31523 SW Wildwood Ct, Wilsonville, OR 97070

## CONDITIONS OF APPROVAL

1. The Applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. Development shall be as described in the provided plans and descriptions.
3. Development shall comply with the applicable standards of TCLUO Section 3.106, 'Estuary Conservation 1 (EC1)', TCLUO Section 3.510, 'Flood Hazard Overlay (FH) Zone' and TCLUO Section 4.140, 'Requirements for Protection of Water Quality and Streambank Stabilization', and any other applicable standards.
4. Applicant/property owner shall provide documentation from the Oregon Department of Fish and Wildlife (ODFW) at time of Consolidated Zoning/Building Permit application, confirming mitigation measures are acceptable for the proposed placement of the dock, gangway and associated facilities to ensure appropriate replacement of riparian vegetation lost during placement of dock.
5. The development shall comply with all Building Code requirements for Construction Materials and Methods for a structure located in the 'AE' and Floodway flood zones.
6. This approval shall be void on March 23, 2028, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

Tillamook County Department of Community Development

  
Melissa Jenck, CFM, Senior Planner  
503-842-3408 x 3301 or [melissa.jenck@tillamookcounty.gov](mailto:melissa.jenck@tillamookcounty.gov)

Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor's and Zoning maps



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**ESTUARY/FLOODPLAIN DEVELOPMENT PERMIT REQUEST  
851-25-000595-PLNG:  
COWAN/BOONE - DOCK**

**ADMINISTRATIVE DECISION & STAFF REPORT**

**Decision Date: March 23, 2026**

**Decision: APPROVED WITH CONDITIONS  
(This is not Building or Placement Permit Approval)**

**Report Prepared by: Melissa Jenck, CFM, Senior Planner**

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**I. GENERAL INFORMATION:**

**Request:** An Estuary and Floodplain Development Permit for the placement of a dock on a property improved with an existing single-family dwelling near the Nestucca River.

**Location:** The subject property is located at 34100 Brooten Road, a County road, and is designated as Tax Lot 5201, of Section 19AC of Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon

**Zone:** Pacific City/Woods Low Density Residential (PCW-R2) & Estuary Conservation 1 (EC1) Zone

**Applicant:** Amber B. Cowan, 1198 NW Park Ave, Estacada, OR 97023

**Property Owner:** Debbie Boone & Kevin Kilgore, 31523 SW Wildwood Ct, Wilsonville, OR 97070

**Proposal Description:** The Applicant is proposing to place a floating dock in conjunction with a single-family dwelling within the Nestucca River (Exhibit B). The property is improved with a single-family dwelling as indicated on Tillamook County Assessor's records (Exhibit A). The property is zoned Pacific City Woods Low Density Residential (PCW-R1). The placement includes a gangway and floating dock system (Exhibit B). The development does not include any piles or piers to be placed within waterways (Exhibit B).

The area of proposed construction is depicted on the maps included in the Applicant's submittal, found in 'Exhibit B' of this report. As indicated on FEMA FIRM #41057C0855F dated September 28, 2018, the area of development is located within the 'AE' and Floodway Area of Special Flood Hazard of the Nestucca River (Exhibit A).

The application is an Estuary and Floodplain Development Permit approval for the placement of a floating dock (Exhibit B). The criteria and standards for this review is addressed below in this Staff Report.

**II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

The desired use is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. TCLUO Section 3.106, ‘Estuary Conservation 1 (EC1) Zone’
- B. TCLUO Section 3.120, ‘Regulated Activities and Impacts Assessments’
- C. TCLUO Section 3.140, ‘Estuary Development Standards’
- D. TCLUO Section 3.510, ‘Flood Hazard Overlay (FH) Zone’
- E. TCLUO Section 3.545, ‘Shoreland Overlay’
- F. TCLUO Section 4.140, ‘Requirements for Protection of Water Quality and Streambank Stabilization’

**III. ANALYSIS**

The project is located within the regulatory floodplain (AE Zone) and Estuary zone and is subject to a Type II review per TCLUO Article X: Development Approval Procedures. TCLUO Section 10.070 requires notification of Type II applications to be mailed to landowners within 250 feet of the subject properties, to allow at least 14 days for written comment and requires staff to consider comments received in making the decision.

**Findings:** Notice of the request was mailed to property owners and agencies on February 11, 2026. Staff finds that notification requirements have been met. Comments were received the Oregon Department of Fish and Wildlife, Tillamook County Public Works and Oregon Department of State Lands (DSL) which are included as “Exhibit C”.

**A. TCLUO Section 3.106, ‘Estuary Conservation 1 (EC1) Zone’**

- (1) *PURPOSE AND AREAS INCLUDED: The purpose of the EC1 zone is to:*
  - (a) *Provide for long-term utilization of areas which support, or have the potential to support valuable biological resources.*
  - (b) *Provide for long-term maintenance and enhancement of biological productivity.*
  - (c) *Provide for the long-term maintenance of the aesthetic values of estuarine areas, in order to promote or enhance the low intensity recreational use of estuarine areas adjacent to rural or agricultural shorelands.*

....  
*ESTUARY ZONES shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.*

...  
(2) *USES PERMITTED WITH STANDARDS:*

- ...
  - (e) *Boat dock in conjunction with one or more private residences. Single purpose private docks shall be limited to a maximum of 200 square feet in size. Larger docks may be permitted subject to the conditional use provisions of Article VI of this Ordinance.*

**Findings:** Applicant is proposing to place an approximately 144-square-foot private dock in conjunction with the established single-family dwelling (Exhibit A & B). The proposed dock would be located within the EC1 zone boundary and would be a floating dock, with no proposed Regulated Activities as part of the siting within the Nestucca River (Exhibit B). A site plan was included in ‘Exhibit B’, which demonstrates the siting location is within the EC1 zone (Exhibit B).

Staff find that dock placement in conjunction with a single-family dwelling is an outright permitted use in the Estuary Conservation (EC1) Zone. Staff find the proposal does not contain Regulated Activities for review under TCLUO Section 3.120.

**B. Section 3.120: Review of Regulated Activities**

(2) *REGULATED ACTIVITIES: Regulated activities are those actions which require State and/or Federal permits and include the following:*

- (a) *Fill (either fill in excess of 50 c.y. or fill of less than 50 c.y., which requires a Section 10 or Section 404 permit from the U.S. Army Corps of Engineers).*
- (b) *Dredging (either dredging in excess of 50 c.y. within a 12 month period, or dredging of less than 50 c.y., which requires a Section 10 permit from the U.S. Army Corps of Engineers).*
- (c) *Dredged material disposal including flow lane disposal.*
- (d) *Piling/dolphin installation.*
- (e) *Shoreline stabilization, bank line or streamline alteration involving fill or dredging in excess of 50 c.y.*
- (f) *In-water lot storage.*

**Findings:** The applicant has proposed the placement of a floating dock, no proposed fill, dredging or piling installation as part of the activity (Exhibit B). The purpose of this section is to provide an assessment process and criteria for local review and comment on State and Federal permit applications which could potentially alter the integrity of the estuarine ecosystem. This project does not include regulated activities which are subject to State and Federal permits. Notification of the application was provided to Federal and State agencies in accordance with the provisions outlined in TCLUO Section 3.120(8). Comments were received from the Oregon Department of Fish and Wildlife and Oregon Department of State Lands (DSL) and are included in ‘Exhibit C’ of this report.

Staff find the development standards included in TCLUO Section 3.120. are not applicable.

**C. Section 3.140: Estuary Development Standards**

Applicable subsections:

- *Section 3.140(3): Docks and Moorages*

**Findings:** The Applicant’s narrative addresses the relevant standards and subsections of TCLUO Section 3.140 (Exhibit B). The purpose of the project is to place a floating dock 144 square feet in size in the Nestucca River in conjunction with a single-family dwelling, with no fill, dredging or pile installation within the estuary (Exhibit B). Staff find the proposed dock is less than 200-square feet in size, and the gangway is excluded from the dock area per Section 3.140(3)(b)(1). The proposed dock is not designed to rest on the bottom of the river at low water, and the dock is intended for recreational uses serving only the private residence (Exhibit B).

Staff conclude these criteria have been met.

**D. TCLUO Section 3.510 ‘Flood Hazard (FH) Overlay’**

(5) *GENERAL STANDARDS: In all areas of special flood hazards the following standards are required:*

...

*CONSTRUCTION MATERIALS AND METHODS*

- (d) *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- (e) *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

(f) *Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated to prevent water from entering or accumulating within the components during conditions of flooding. In Flood Zones A, A1-A30, AE, V, V1-V30 or VE, such facilities shall be elevated three feet above base flood elevation. In Flood Zone AO, such facilities shall be elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet above the highest adjacent grade if no depth number is specified).*

...

*(14)(b) Development Permit Review Criteria*

- (1) The fill is not within a Coastal High Hazard Area.*
- (2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.*
- (3) The fill is necessary for an approved use on the property.*
- (4) The fill is the minimum amount necessary to achieve the approved use.*
- (5) No feasible alternative upland locations exist on the property.*
- (6) The fill does not impede or alter drainage or the flow of floodwaters.*
- (7) If the proposal is for a new critical facility, no feasible alternative site is available.*
- (8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5):*
  - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.*
  - ii. The property is actively used for livestock and/or farm purposes.*
  - iii. Maximum platform size = 10 sq ft of platform surface per acre of pasture in use, or 30 sq ft per animal, with a 10-ft wide buffer around the outside of the platform,*
  - iv. Platform surface shall be at least 1 ft above base flood elevation,*
  - v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical,*
  - vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion.*

**Findings:** Applicant submitted the required information on forms provided by the Community Development Department and as attachments thereto (Exhibit B). The entire property is located in an AE and Floodway Area of Special Flood Hazard of the Nestucca River, and no alternative upland location exists for the placement of a dock as they are intended to be within the river (Exhibits A and B). The project area is tidally influenced and is within the regulatory Floodway. The proposed dock placement is in conjunction with a single-family dwelling, is floating and is removable from the Nestucca River (Exhibit B). Staff find that the removable dock is not permanent fill placement within the FEMA Floodway and does not require a no-rise analysis for the proposed activity as no additional fill is proposed for placement (Exhibit B). The dock is not a critical facility and is not being used as a Flood Refuge Platform (Exhibit B).

Applicant has submitted documentation that the proposed dock will be sited using fish passage requirements, and ensures development complies with the General Authorization permit requirements with the Oregon Department of State Lands. Comments received from Oregon Department of Fish and Wildlife confirm the proposed action will not impair the passage of native migratory fish (Exhibit B).

Staff find that these criteria are met.

#### **E. TCLUO Section 3.545 ‘Shoreland Overlay’**

In the vicinity of the proposed project, the Goal 17 element of the Tillamook County Comprehensive Plan identifies all areas within 1,000 feet of estuaries and 500 feet of coastal lakes as within the Shorelands Boundary which may be subject to the provisions of TCLUO Section 3.545, ‘SH Shoreland

Overlay'. TCLUO Section 3.545 defines those areas within the Shorelands Boundary included within the Shoreland Overlay Zone. Relevant to the proposed development, TCLUO Section 3.545(2) identifies areas within 50 feet of estuaries as areas included in the Shorelands Overlay zone.

**Findings:** Staff find the proposed dock is located within the Shorelands Boundary as identified in the Goal 17 element of the Tillamook County Comprehensive Plan. Staff has reviewed the proposed development and determined that shoreland areas on the subject property are categorized as 'Rural Shorelands' as described in TCLUO 3.545(3) and are subject to the use limitations identified in TCLUO 3.545(4)(a)(1) and the standards identified in TCLUO 3.545(6). Staff has reviewed the significant shoreland inventory contained in the Goal 17 element of the Comprehensive Plan and has verified that there are no inventoried shorelands near the subject property.

*TCLUO Section 3.545(4) USES PERMITTED: Uses authorized by the underlying zone as outright or conditional uses are permitted, except at locations identified in (3) above.*

*(a) Rural Shorelands in General:*

*(1) Rural Shorelands uses are limited to:*

...

*(d) Water-dependent recreational, industrial and commercial uses.*

*(f) Other uses are allowed only upon a finding by the County that such uses satisfy a need which cannot be accommodated at any alternative upland location, except in the following cases:*

...

*TCLUO Section 3.545(6) STANDARDS: Uses within the SHORELAND OVERLAY ZONE are subject to the provisions and standards of the underlying zone and of this section. Where the standards of the SHORELANDS OVERLAY ZONE and the underlying zone conflict, the more restrictive provisions shall apply.*

*(a) Riparian vegetation shall be protected and retained according to the provisions outlined in Section 4.140, REQUIREMENTS FOR PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION.*

*(b) Development in flood hazard areas shall meet the requirements of Section 3.510, FLOOD HAZARD OVERLAY ZONE.*

**Findings:** Staff find the project is necessary and cannot be accommodated at an upland location for an in-water floating dock. The proposed floating dock is for recreational purposes in conjunction with an existing single-family dwelling (Exhibit B). The requirements of TCLUO Section 4.140 and 3.510 are addressed in this report.

Staff finds these criteria have been met.

**F. TCLUO Section 4.140, 'Requirements for Protection of Water Quality and Streambank Stabilization'**

*1) The following areas of riparian vegetation are defined:*

*(a) Fifty (50) feet from lakes and reservoirs of one acre or more, estuaries, and the main stems of the following rivers where the river channel is more than 15 feet in width; Nestucca, Little Nestucca, Three Rivers, Tillamook, Trask, Wilson, Kilchis, Miami, Nehalem and North and South Fork Nehalem River.*

...

*For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.*

*(2) All development shall be located outside of areas listed in (1) above, unless:*

...  
(b) *Direct water access is required in conjunction with a water dependent use; or*

**Findings:** The proposal is for placement of a floating dock within Nestucca River (Exhibit B). The proposed use is for direct water access in conjunction with a single-family dwelling and its recreational uses (Exhibit B). ODFW states the dock should conform to ODFW's fish passage standards (Exhibit B). ODFW states onsite vegetation within the riparian area should be mitigated with trees and shrubs covering an area greater than or equal to the square footage occupied by the gangway and cables and documentation be provided to ODFW to determine mitigation needs (Exhibit C).

Staff find that these standards have been met and can be met through compliance with the conditions of approval.

**V. DECISION: APPROVED WITH CONDITIONS**

Based on the findings shown above, Staff concludes that the Applicant has satisfied the review criteria, and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves Estuary and Floodplain Development Permit 851-24-000622-PLNG subject to the Conditions of Approval in section VI of this report.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on April 6, 2026.**

**VI. CONDITIONS OF APPROVAL:**

1. The Applicant/property owner shall obtain all required Federal, State, and Local permits and/or licenses and will comply with applicable rules and regulations.
2. Development shall be as described in the provided plans and descriptions.
3. Development shall comply with the applicable standards of TCLUO Section 3.106, 'Estuary Conservation 1 (EC1)', TCLUO Section 3.510, 'Flood Hazard Overlay (FH) Zone' and TCLUO Section 4.140, 'Requirements for Protection of Water Quality and Streambank Stabilization', and any other applicable standards.
4. Applicant/property owner shall provide documentation from the Oregon Department of Fish and Wildlife (ODFW) at time of Consolidated Zoning/Building Permit application, confirming mitigation measures are acceptable for the proposed placement of the dock, gangway and associated facilities to ensure appropriate replacement of riparian vegetation lost during placement of dock.
5. The development shall comply with all Building Code requirements for Construction Materials and Methods for a structure located in the 'AE' and Floodway flood zones.
6. This approval shall be void on March 23, 2028, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

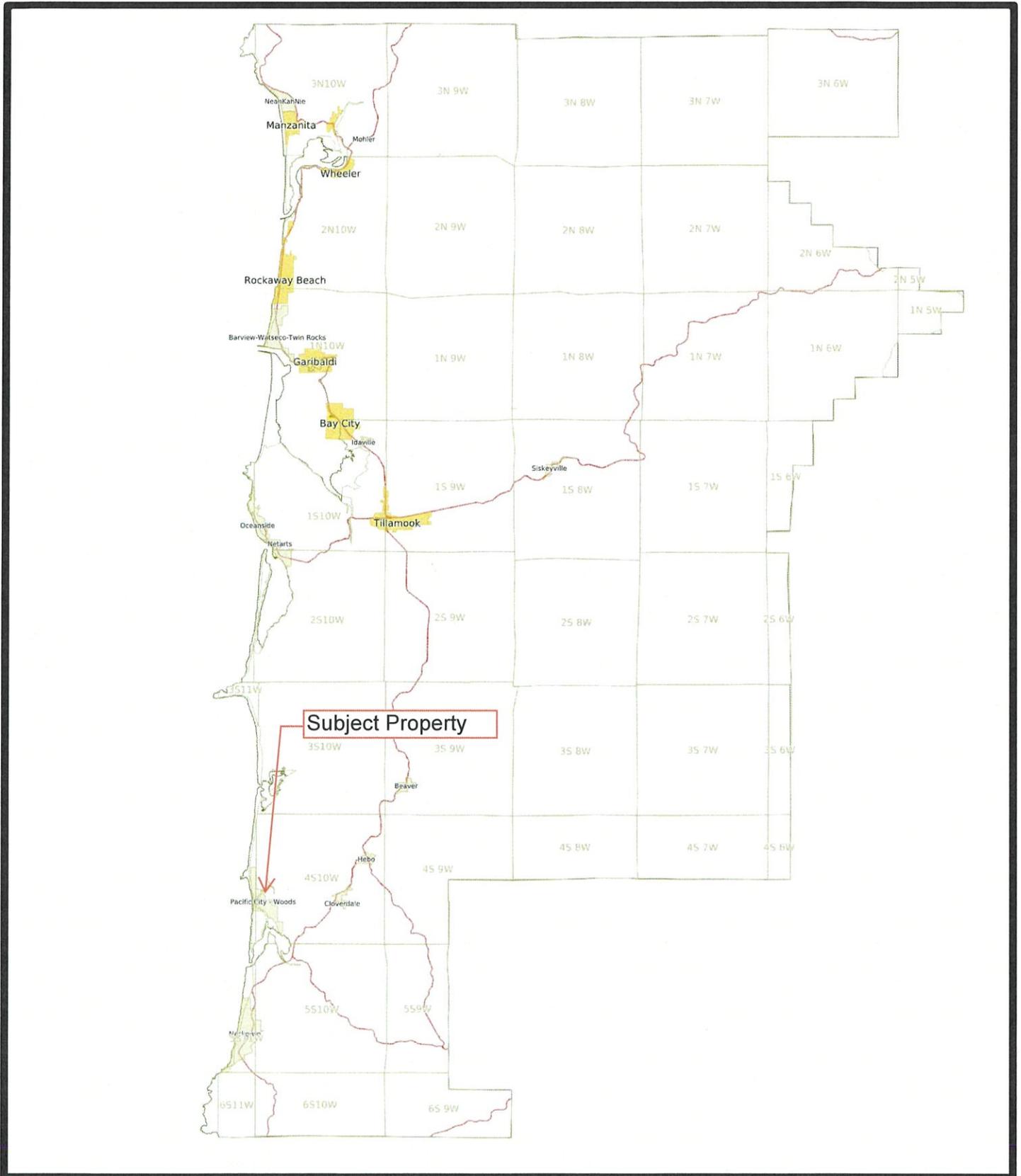
**VII. EXHIBITS**

All Exhibits referred to herein are, by this reference, made a part hereof:

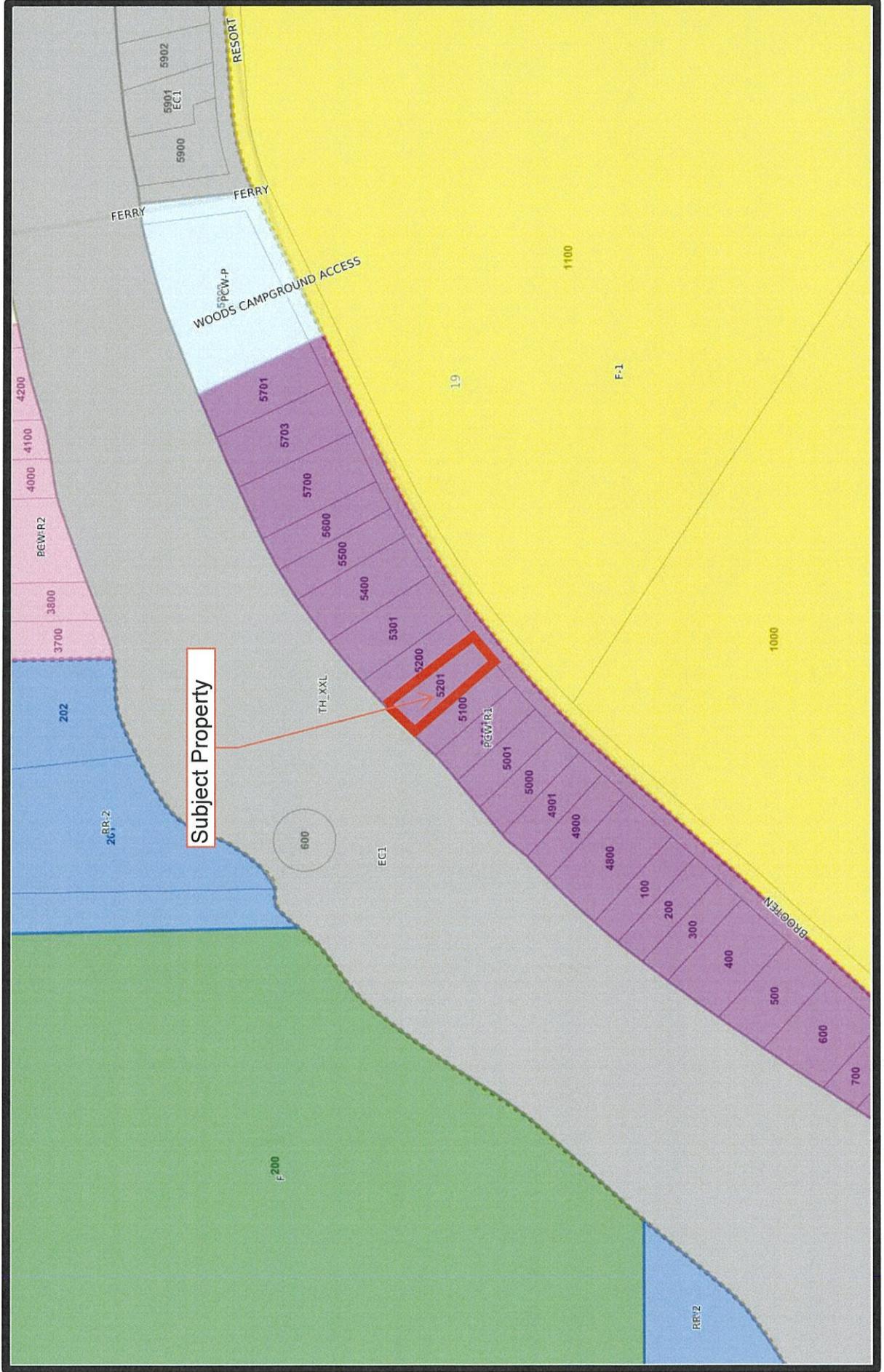
- A. Location map, Assessor map, Zoning map, FEMA FIRM, NWI Wetlands map
- B. Applicant's submittal
- C. Public Comments

# EXHIBIT A

# Vicinity Map



# Zoning Map



THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

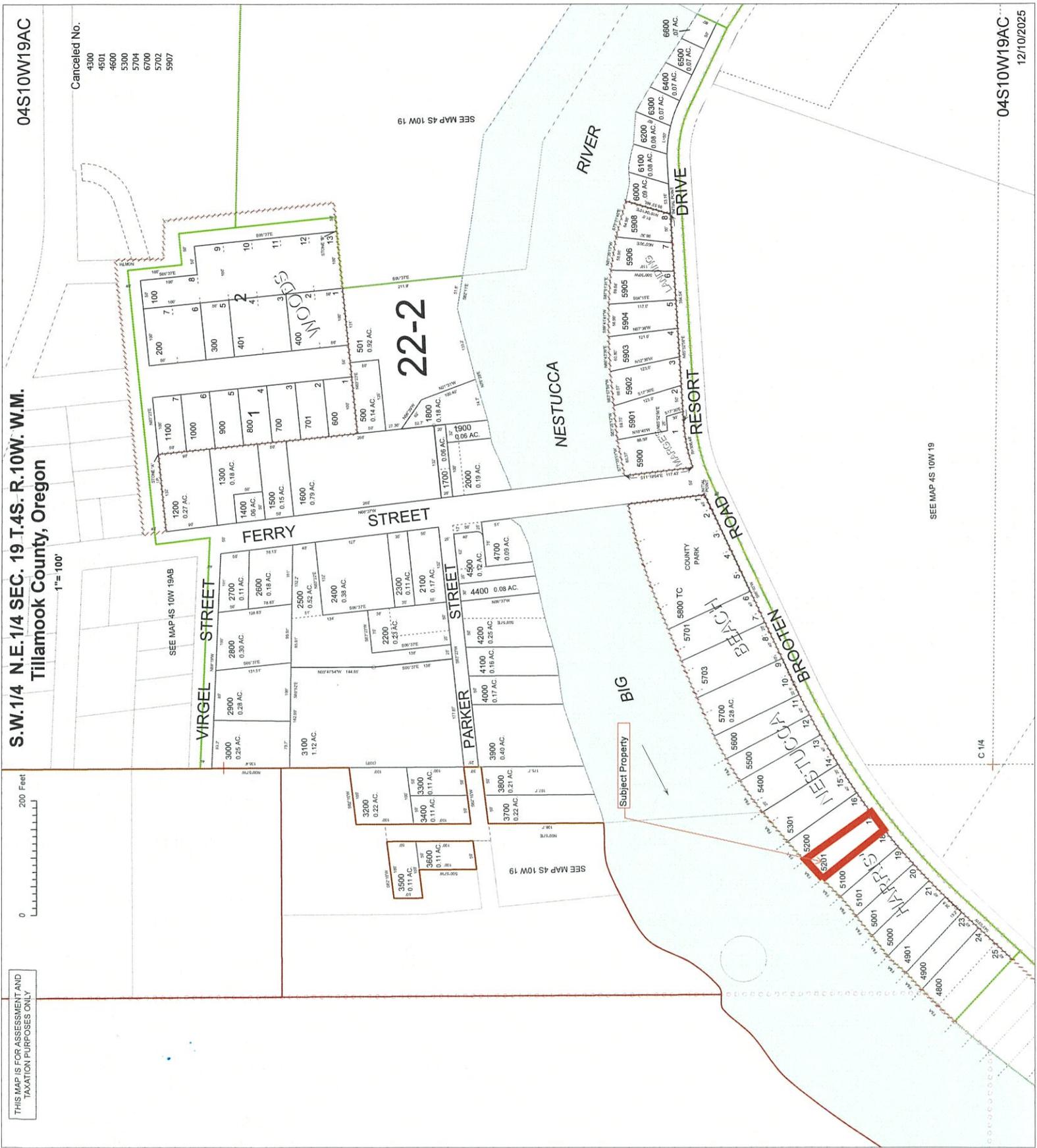


S.W.1/4 N.E.1/4 SEC. 19 T.4S. R.10W. W.M.  
Tillamook County, Oregon

04S10W19AC

- Canceled No.
- 4300
  - 4501
  - 4600
  - 5300
  - 5704
  - 5702
  - 5907

1"=100'



SEE MAP 4S 10W 19

22-2

SEE MAP 4S 10W 19A B

SEE MAP 4S 10W 19

Subject Property

SEE MAP 4S 10W 19

C-14

04S10W19AC  
12/10/2025

**Tillamook County**  
**2025 Real Property Assessment Report**  
 Account 360157

**Map** 4S1019AC05201  
**Code - Tax ID** 2202 - 360157

**Tax Status** Assessable  
**Account Status** Active  
**Subtype** NORMAL

**Legal Descr** See Record

**Mailing** BOONE, DEBBIE &  
 KILGORE, KEVIN  
 31523 SW WILDWOOD CT  
 WILSONVILLE OR 97070

**Deed Reference #** 2025-3359  
**Sales Date/Price** 08-08-2025 / \$470,000  
**Appraiser** BRITTANY MCINTYRE

**Property Class** 101 MA SA NH  
**RMV Class** 101 09 WF 903

Site	Situs Address	City
1	34100 BROOTEN RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2202	Land	178,210		Land	0	50.3
	Impr	313,310		Impr	12,320	
<b>Code Area Total</b>		491,520	255,300	255,300	12,320	
<b>Grand Total</b>		491,520	255,300	255,300	12,320	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2202					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		PCW-R1	Market	103	0.13 AC		146,840
					OSD - AVERAGE	100			30,870
<b>Code Area Total</b>							0.13 AC		178,210

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2202	1	1981	139	Basement First Floor	117	1,224			313,310
<b>Code Area Total</b>						1,224			313,310

Exemptions / Special Assessments / Notations			
Code Area	Special Assessments	Amount	Year Used
2202	■ SOLID WASTE	12.00	2025

**Comments** 2/10/06 Pre-loaded inventory for phase 1. dv.  
 7/13 Owner requested review, Ext./Int. inspection completed, new pictures, adj. eff. age due to overall maint. issues w/structure. RCW  
 01/27/14 Reappraised land; tabled values. RBB  
 4/25/22 Added new ductless heat pump. KF  
 7/22/25 Listing Review - Increased EYB due to GOMAR as RMV change only. Added LC fin basement and updated square footage on 1st floor to include closet addition, updated inventory and accessories; applied exception. BDM

# National Flood Hazard Layer FIRMette

123°57'42"W 45°12'50"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
*Zone A1, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

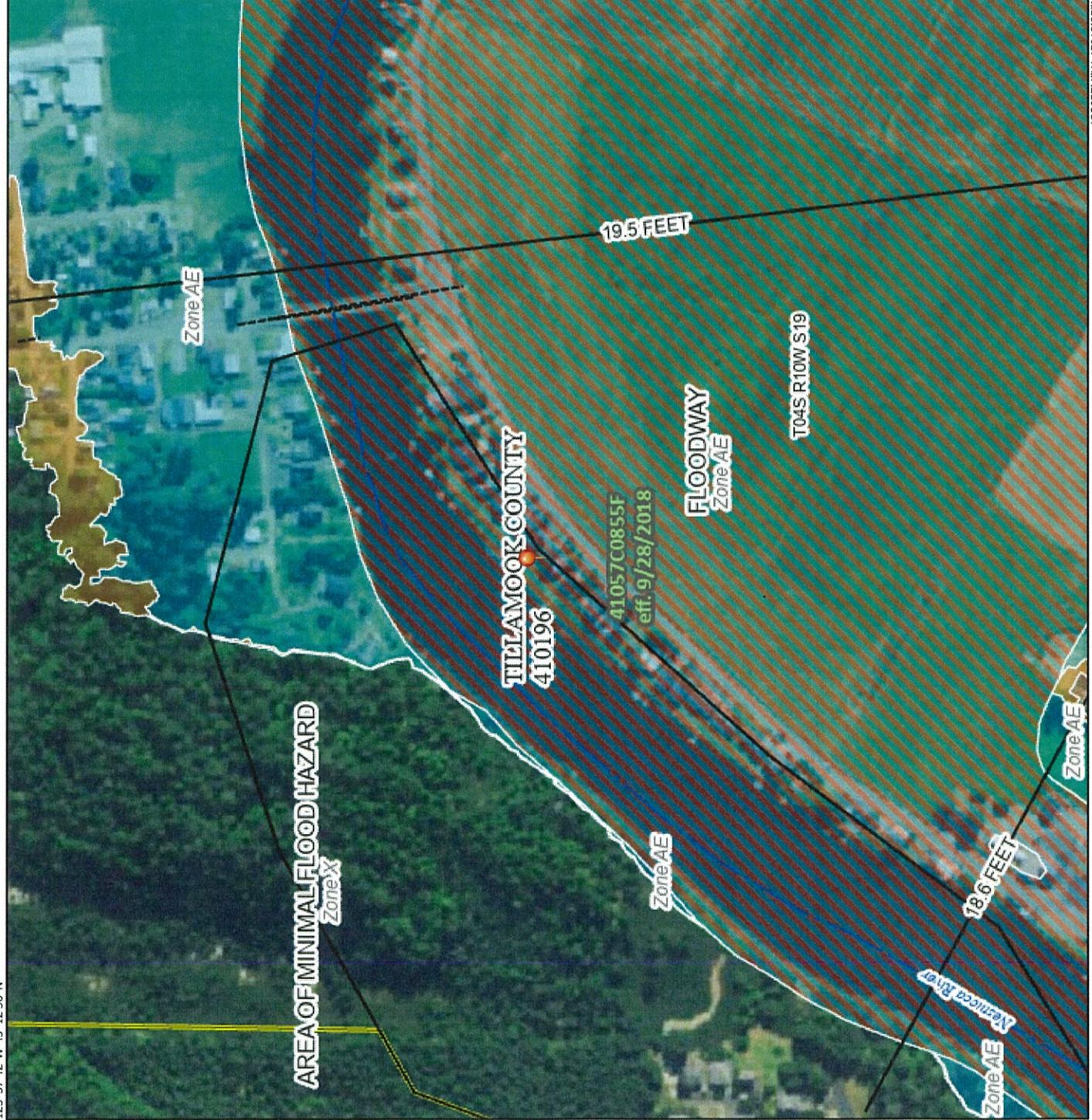
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/11/2026 at 12:25 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



123°57'42"W 45°12'25"N

1:6,000

2,000

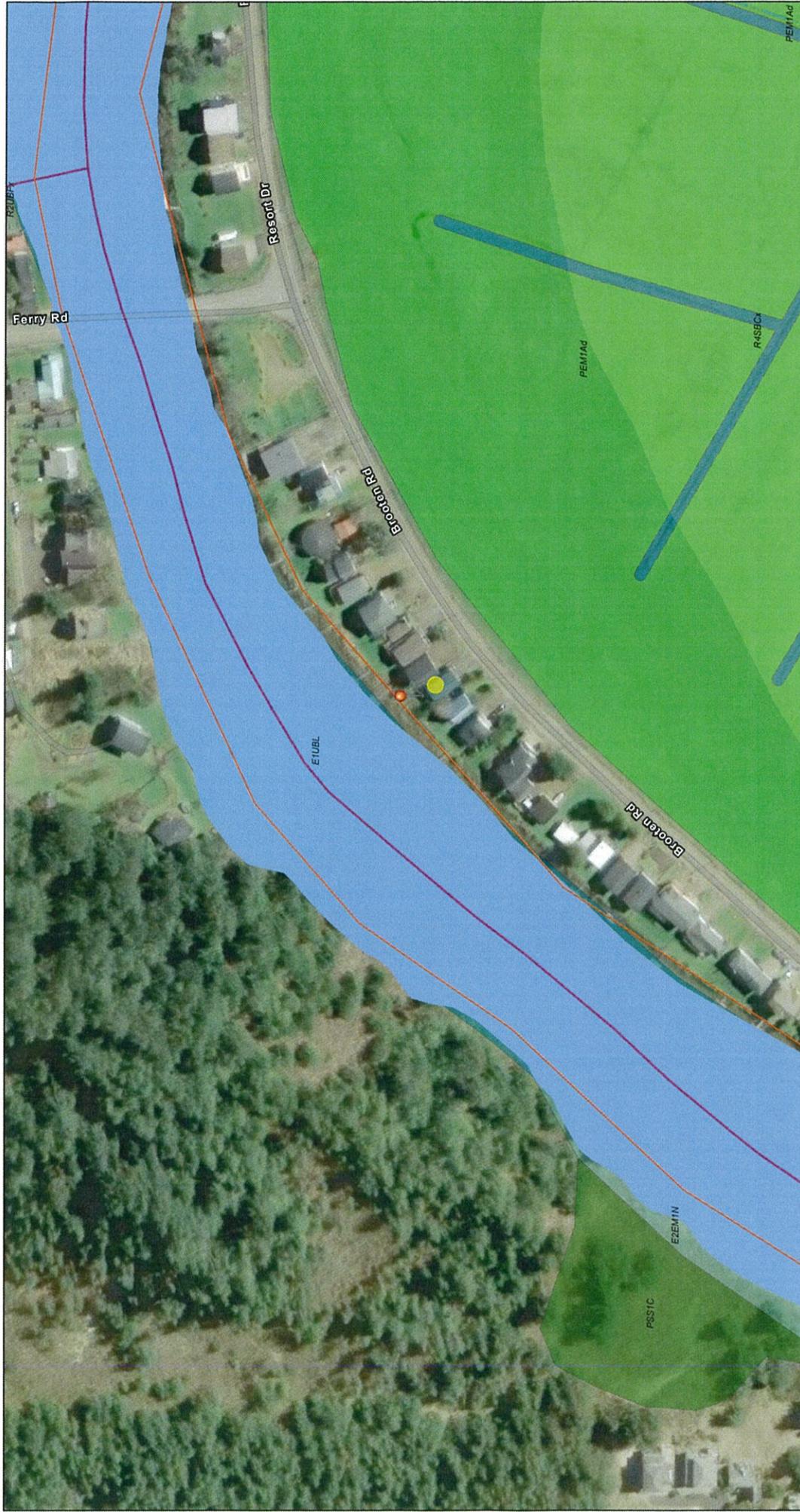
1,500

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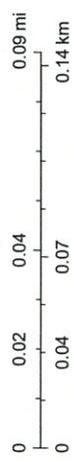
# Statewide Wetlands Inventory



2/10/2026, 4:32:05 PM

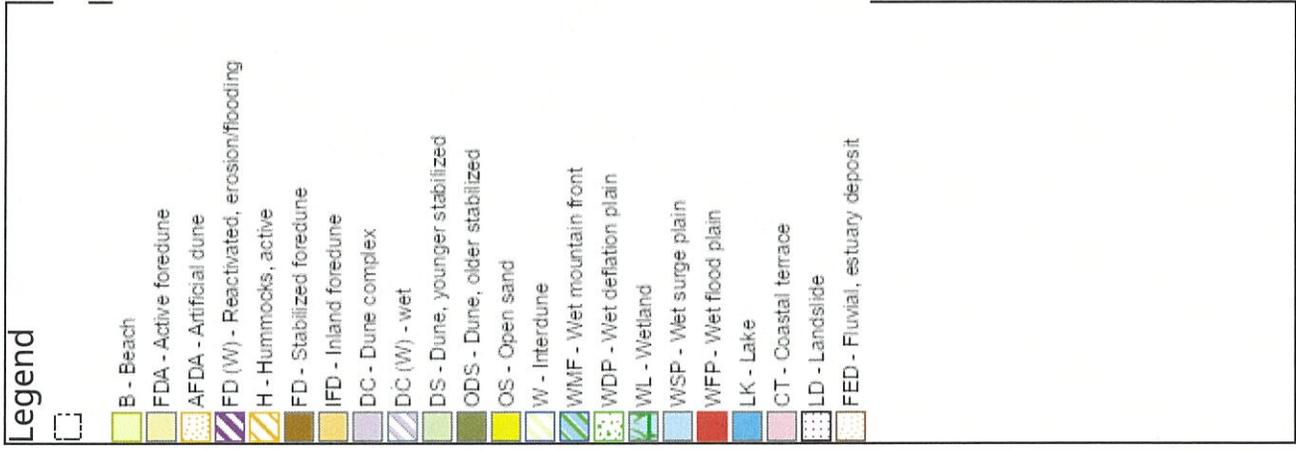
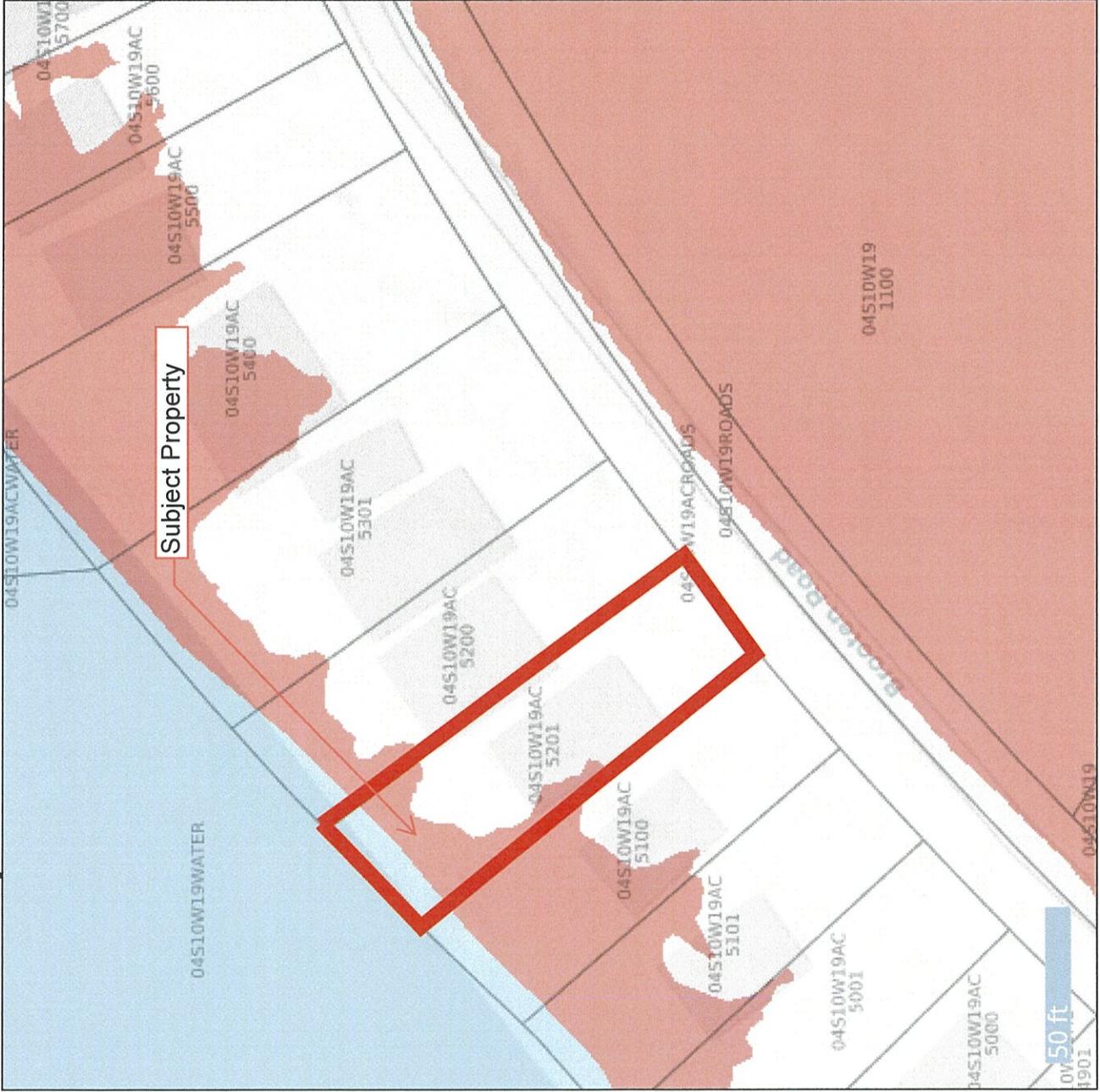
- Oregon Address
- Sections
- Large Scale
- Intermittent
- Artificial Path
- NHD Waterbody
- USFWS National Wetlands Inventory NWI
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Riverine
- SWI Predominantly Hydric Map Units

1:2,597



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community. USGS TNM - National Hydrography Dataset. Data Refreshed January, 2026.

# Hazard Map



# EXHIBIT B



Tillamook County Department of Community Development  
 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

## PLANNING APPLICATION

**Applicant**  (Check Box if Same as Property Owner)

Name: Amber B. Cowan Phone: 971-409-3430

Address: 1198 NW Park Ave

City: Estacada State: OR Zip: 97023

Email: Permits@KCMarineLLC.com

**Property Owner**

Name: Debbie Boone Phone: N/A

Address: 34100 Brooten Rd

City: Cloverdale State: OR Zip: 97112

Email: DebbieBoone24@yahoo.com

OFFICE USE ONLY	
Date Stamp	
<b>RECEIVED</b>	
DEC 11 2025	
BY: .....	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No:	
851-25-00595-PLNG	

**Request:** Floodplain Development / Estuary Development permit for the installation of a 144 sqft dock with GA approval. The purpose of the proposed dock is to increase access on parcel to the waterway for recreation. Permits were requested by Melissa Jenck. Relevant files, diagrams, and code responses will be submitted as well.

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Ordinance Amendment
<input type="checkbox"/> Conditional Use Review	<input type="checkbox"/> Conditional Use (As deemed by Director)	<input type="checkbox"/> Large-Scale Zoning Map Amendment
<input type="checkbox"/> Variance	<input type="checkbox"/> Ordinance Amendment	<input type="checkbox"/> Plan and/or Code Text Amendment
<input type="checkbox"/> Exception to Resource or Riparian Setback	<input type="checkbox"/> Map Amendment	
<input type="checkbox"/> Nonconforming Review (Major or Minor)	<input type="checkbox"/> Goal Exception	
<input checked="" type="checkbox"/> Development Permit Review for Estuary Development	<input type="checkbox"/> Nonconforming Review (As deemed by Director)	
<input type="checkbox"/> Non-farm dwelling in Farm Zone	<input type="checkbox"/> Variance (As deemed by Director)	
<input type="checkbox"/> Fore-dune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

**Location:**

Site Address: 34100 Brooten Rd, Cloverdale OR 97112

Map Number: 04S	10W	19 & S.W. 1/4 N.E 1/4	5201
Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: \_\_\_\_\_

**Authorization**

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

DocuSigned by: <i>10.B</i>	12/8/2025
Property Owner Signature (Required)	Date
Signed by: <i>Amber B. Cowan</i>	12/8/2025
Applicant Signature	Date



## OREGON DEPARTMENT OF STATE LANDS

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## OREGON DEPARTMENT OF STATE LANDS INSTRUCTIONS FOR GENERAL AUTHORIZATION NOTICE

- Step 1.** Read OAR 141-089-0630 to OAR 141-089-0656, and the applicable [administrative rules](#) for the specific GA(s) you are seeking.
- Step 2.** Complete all information in application Blocks 1-7 for your project.
- Step 3.** Complete GA Specific Supplemental Pages(s) for each GA and exemptions (Notification for Voluntary Habitat Exemptions) that applies to your project (located after Block 11)
- Step 4.** Review and sign Block 8.
- Step 5.** Attach all information listed in application in Block 9.
- Step 6.** Attach all information listed on each applicable GA Specific Supplemental Pages(s), located after Block 11.
- Step 7.** If a fee is required (see below), submit \$250. Fee submittal instructions are in Block 11.
- Step 8.** Submit the entire notification package (Steps 2-7) to DSL. Submittal instructions are in Block 10.

### Project Fee Explanation

A \$250 flat fee is required for the following GAs, if there will be 50 cubic yards or more of removal and fill for the following GAs.

- Over-Water Structures Fill or Removal GA
- Temporary Impacts to Wetlands and Waterways GA

### Prohibited Areas for Using General Authorizations

- State Scenic Waterway (SSW), as defined by ORS 390.805 et seq.
- Willamette River between river miles 1.9 and 11.8.
- An Aquatic Resource of Special Concern (ARSC), as defined in OAR 141-085-0510, unless the project is for habitat improvement purposes.

### Combining Multiple General Authorizations for a Single Project

Any combination of GAs may be used for a single project when the combined activities result in no more than minimal impacts, except for the following.

- Minimal Disturbance Within ESH GA may only be combined with the Temporary Impacts to Wetlands and Waterways GA.
- Non-motorized In-stream Placer Mining in ESH GA cannot be combined with any other GA and cannot apply using this notification form.

### Entire Projects / Independent Utility

Projects eligible for GAs must rely solely on GAs for authorization and Notification for Exempt Voluntary Habitat Restoration Activities. The exception is Placer Mining GA, which cannot be combined with any other GA and cannot apply using this Notification Form. GAs may not be combined with any other form of removal-fill authorization.

### Acronyms Used in This Notification and/or GA Review Checklist

<b>ARSC</b>	Aquatic Resource of Special Concern	<b>MLLW</b>	Mean Lower Low Water
<b>cyd</b>	Cubic yards	<b>OHW</b>	Ordinary High Water
<b>DEQ</b>	Oregon Dept. of Environmental Quality	<b>OAR</b>	Oregon Administrative Rule
<b>DSL</b>	Oregon Department of State Lands	<b>ODFW</b>	Oregon Department of Fish and Wildlife
<b>ESA</b>	Endangered Species Act	<b>ORS</b>	Oregon Revised Statutes
<b>ESH</b>	Essential Indigenous Salmonid Habitat	<b>OSMB</b>	Oregon State Marine Board
<b>GA</b>	General Authorization	<b>OWRD</b>	Oregon Water Resource Department
<b>GP</b>	General Permit	<b>PW</b>	Permit Waiver
<b>HMT</b>	Highest Measured Tide	<b>SSW</b>	State Scenic Waterway
<b>IP</b>	Individual Permit	<b>NMFS</b>	U.S. National Marine Fisheries
<b>LWRMP</b>	Lower Willamette River Management Plan	<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>MLW</b>	Mean Low Water		

## OREGON DEPARTMENT OF STATE LANDS GENERAL AUTHORIZATION ELIGIBILITY NOTIFICATION FORM

### Complete Blocks 1-9 Below for All GA Notifications

(1) PROJECT ACTIVITIES <i>(check all that apply)</i>	
<input type="checkbox"/> Minimal Disturbance within ESH	<input type="checkbox"/> Waterway Habitat Improvement
<input checked="" type="checkbox"/> Over-Water Structures Fill and Removal	<input type="checkbox"/> Wetland Ecosystem Improvement
<input type="checkbox"/> Temporary Impacts to Wetlands and Waterways	<input type="checkbox"/> Certain Voluntary Habitat Restoration Activities
<input type="checkbox"/> Waterway Bank Stabilization Using Bioengineering	

(2) CONTACT INFORMATION			
	Responsible Party	Property Owner <i>if different than Responsible Party</i>	Consultant / Contractor <i>optional</i>
<b>Contact Name:</b>	Debbie Boone		Amber B. Cowan
<b>Business Name:</b>			KC Marine LLC
<b>Mailing Address:</b>	34100 Brooten Rd		15150 S Henrici Rd
<b>City, State, Zip:</b>	Cloverdale, OR 97112		Oregon City, OR, 97045
<b>Phone Number:</b>			971-409-3430
<b>Email:</b>	Debbieboone24@yahoo.com		Permits@kcmarinellc.com

(3) PROJECT LOCATION INFORMATION		
<b>Project Name:</b> Debbie Boone Dock Project		
<b>Site Address or Location Description:</b> 34100 Brooten Road	<b>City:</b> Cloverdale	<b>County:</b> Tillamook

(4) PROJECT LEGAL DESCRIPTION <i>(only complete 4A or 4B below)</i>			
(4A) For Single and Multiple Removal Fill Sites <i>(provide information below for each site)</i>			
<b>Latitude, Longitude:</b> <i>(must be in decimal format (e.g., 44.123456, -123.123456))</i> 45.210514 , -123.956337			
<b>Township</b>	<b>Range</b>	<b>Section and ¼-¼ (e.g. AB)</b>	<b>Tax Lot(s)</b>
04S	10W	19 & S.W. ¼ N.E. ¼	5201
(4B) For Linear Projects			
<b>Latitude, Longitude</b> <i>(must be in decimal format (e.g., 44.123456, -123.123456))</i>			
<b>Start point:</b>		<b>End point:</b>	
<b>Start point:</b>			
<b>Township</b>	<b>Range</b>	<b>Section and ¼-¼ (e.g. AB)</b>	<b>Tax Lot(s)</b>
<b>End point:</b>			
<b>Township</b>	<b>Range</b>	<b>Section and ¼-¼ (e.g. AB)</b>	<b>Tax Lot(s)</b>

**(5) WETLAND AND WATERWAY INFORMATION**

- Check if designated as [Essential Indigenous Salmonid Habitat](#) (ESH).
- Check to confirm the project is **not** within the following areas.
  - [State Scenic Waterway](#) (SSW)
  - Willamette River miles 1.9-11.8
  - Aquatic Resource of Special Concern (ARSC).
- Check if you are aware of any contaminants within the project area.

Wetland Name(s) <sup>1</sup> (if applicable)	<a href="#">Cowardin Classification</a> <sup>2</sup>	<a href="#">HGM Classification</a> <sup>2</sup>
Waterway Name(s) <sup>1</sup> (if applicable)	River mile(s)	
Nestucca River	2 to 3	

<sup>1</sup> If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A")  
<sup>2</sup> Only one [Cowardin Classification](#) and one [HGM Classification](#) per line. If impacts are proposed to more than one [Cowardin](#) or [HGM](#) classification, separate into different rows.

**(6) VOLUMES (for all work proposed within regulated wetlands and waterways)**

Note: Volumes do not include BMPs necessary to comply with general conditions (OAR 141-089-0650).

Fill (cyd)	+	Removal (cyd)	=	Total (cyd)
7.11		0		7.11

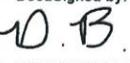
**(7) PROJECT DATES**

Anticipated Start Date (month/year): July 1<sup>st</sup> 2026      Anticipated Completion Date (month/year): July 10<sup>th</sup> 2026

**(8) SIGNATURE OF RESPONSIBLE PARTY**

- By signing below, I understand:
- The information provided herein is, to the best of my knowledge and belief, true, complete, and accurate.
  - I am responsible for complying with the requirements and conditions set forth in the applicable administrative rules for General Authorizations and for Certain Voluntary Habitat Restoration activities.
  - This approval does not authorize trespass on the lands of others. The responsible party shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
  - If this is state-owned submerged or submersible land, there may be additional easements, royalties, and/or other requirements by the Department of State Lands' [Aquatic Resource Management Program](#).
  - This approval does not authorize any work that is not in compliance with local zoning or other local, state or federal regulation pertaining to the operations described herein. The responsible party shall obtain necessary approvals and permits before proceeding under this authorization.
  - All work done under this authorization must comply with OAR Chapter 340, Standards of Quality for Public Waters of Oregon.
  - When [state](#) or [federally](#) listed species are present, the responsible party must comply with the State Endangered Species Act and the Federal Endangered Species Act.
  - Violations of the terms and conditions of this authorization are subject to administrative and/or legal action, which may result in revocation of the approval, repair, or recovery of damages. The responsible party is responsible for the activities of all contractors or other operators involved in work done at the site or under this approval.
  - The Department of State Lands may, at any time, by notice to the responsible party, revoke or modify this approval if it determines the project scope or conditions of the General Authorization are insufficient to minimize individual or cumulative environmental effects in accordance with OAR 141-085 and 141-089.

- Employees of the Department of State Lands and all authorized representatives must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed on the project.
- In issuing this authorization, the Department of State Lands makes no representation regarding the quality or adequacy of the approved project design, materials, construction, or maintenance except to approve the project's design and materials, as set forth herein, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapter 196 and related administrative rules.
- Responsible party shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the approved improvements.
- A permit from the U.S. Army Corps of Engineers may also be required.
- Responsible Party will submit a post-project report to DSL within 90 days of rectification for a Temporary Impacts to Wetlands and Waterways GA.
- Responsible Party will submit a post-project report to OWEB at <http://www.oregon.gov/OWEB> upon completing the Waterway Habitat Improvement GA and Wetland Ecosystem Improvement GA.

DocuSigned by:  
  
ETC1FFZ2FE63456...  
**SIGNATURE** (Responsible Party listed in Block 2) **DATE** 11/5/2025

**(9) ATTACHMENTS** (For complete notification you must include the following.)

Note: Review the GA Notification Checklist for more details regarding each submittal requirement.

**Required for All Projects, Unless it States Otherwise**

- Applicable GA Specific Supplemental Page(s).** Located after Block 11.
- Applicable GA Specific Supplemental Page(s) Attachments.** The requirements are listed on each GA Specific Supplemental Page, located after Block 11.
- Resources Gains and Losses Sheet – Only for the following:** Temporary Impacts to Wetlands and Waterways GA, Waterway Habitat Improvement GA, Wetland Ecosystem Improvement GA, and Certain Voluntary Habitat Restoration Activities.
- Project Details**
  - Sufficient detail to demonstrate compliance** with the [project notification](#) (OAR 141-089-0640), [general condition](#) requirements (OAR 141-089-0650), and the [eligibility requirements](#), and [project-specific conditions](#) (OAR 141-089-0660 through 141-089-0815).
  - Description of project, materials, construction methods, and erosion control methods.**
  - Contaminated Materials.** *If* you are aware of contaminants, describe known contaminated material within the project area and discuss how the contaminants will be handled.
  - Request Deviation From Rule.** If the project proposes deviations from a standard stated in rule that states “unless other approved by the Department”, describe and demonstrate all the following.
    - Why the deviation is needed.
    - The deviation would cause no more than minimal individual and cumulative environmental impacts.
    - The deviation would not result in long-term harm to the water resources of this state.
  - ODFW In-water Work Window Variance.** If the project proposes work outside the [ODFW in-water work window](#), include a [variance request form](#).
  - Lower Willamette River Management Plan – Only for Willamette River miles 0-1.8 and 11.9-18.** Provide sufficient information for DSL to determine the project is compliant without the need for a minor exception, unless [preapproved by the Director](#), or a major exception.
  - Project Location Map.** Sufficient detail for someone to drive to the site from the nearest city/town or major highway intersection. Show boundaries of the entire project, which includes staging and access.

<p><input checked="" type="checkbox"/> <b>Recent Aerial(s) of the Project Area.</b></p> <p><input checked="" type="checkbox"/> <b>Project Area Photo(s) with Photo Location Map.</b> Photo(s) of existing conditions. <i>(optional)</i></p> <p><input checked="" type="checkbox"/> <b>Plan View Drawing(s).</b> <i>Do not use "typical" drawings, unless otherwise approved by DSL.</i></p> <ul style="list-style-type: none"><li>• Scale bar, north arrow, property boundaries.</li><li>• Entire project boundary, which includes construction access and staging.</li><li>• Existing and proposed contours. If proposed is the same as existing, state that.</li><li>• Existing and proposed jurisdictional boundaries (OHW, <a href="#">HMT</a>, wetland boundary, and compensatory mitigation boundary if any. If proposed is the same as existing, state that.</li><li>• Proposed temporary and permanent impact boundaries identified separately.</li><li>• Existing soil contamination boundary, if applicable.</li><li>• 100-year floodplain line - <i>Only for Wetland Ecosystem Improvement GA.</i></li><li>• Location of cross-section(s)</li></ul> <p><input checked="" type="checkbox"/> <b>Cross-section Drawing(s).</b> <i>Do not use "typical" drawings, unless otherwise approved by DSL.</i></p> <ul style="list-style-type: none"><li>• Horizontal and vertical scale bars.</li><li>• Existing and proposed contours. If proposed is the same as existing, state that.</li><li>• Existing and proposed jurisdictional boundaries (OHW, <a href="#">HMT</a>, wetland boundary, and compensatory mitigation boundary if any. If proposed is the same as existing, state that.</li></ul>
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<p><b>(10) HOW TO SUBMIT A NOTIFICATION</b></p> <p>A completed notification packet may be submitted to DSL by mail or online.</p> <p><b>Submit Online:</b> <a href="https://www.oregon.gov/dsl/wetlands-waters/Documents/uploadinstructions_removalfill.pdf">https://www.oregon.gov/dsl/wetlands-waters/Documents/uploadinstructions_removalfill.pdf</a></p> <p><b>Submit By Mail:</b> Oregon Department of State Lands, 775 Summer Street, Suite 100, Salem, OR 97301</p>
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<p><b>(11) HOW TO SUBMIT PAYMENT</b></p> <p>Payment may be submitted online or by mail.</p> <p><b>Pay Online:</b> After submitting the application online, you will receive an email confirming receipt. You will then receive a separate email approximately one business after confirmation with the application number and payment instructions. DSL recommends the payment be submitted online through our website payment portal. <a href="https://www.oregon.gov/dsl/Pages/payments.aspx">https://www.oregon.gov/dsl/Pages/payments.aspx</a>.</p> <p><b>Pay by Mail:</b> Use the same address listed in Block 10. Include completed Blocks 1-4 with the payment.</p>
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Only complete for:  
**General Authorization for  
Over-Water Structures Fill and Removal**  
OAR 141-089-0680 through 141-089-0695

**Project Activity (check all that apply)**

**Residential Dock and Associated Piling or Anchors**

- Check to confirm the project meets all [ODFW Residential Dock Guidelines](#).
- Check to confirm dock and grated surface will not be covered or enclosed (e.g., boat houses, sheds, fish cleaning stations, kayaks, canoes, hot tubs, and benches).
- Check to confirm ramp/gangway to the dock is 100% grated.
- Check to confirm dock has  $\geq 50\%$  of the float surface composed of grating containing  $\geq 60\%$  open space surface.
- Check to confirm no treated wood is proposed.

Total area of the dock on/above water: 144ft<sup>2</sup> square feet. ( $\leq 144$  square feet)

Dock dimensions: 6 feet long x 24 feet wide. ( $\leq 6$ -feet wide and  $\leq 24$ -feet long. Docks serving two or more adjacent homes can be 6-feet wide by 48-feet wide.)

Ramp width: 4 feet wide ( $\leq 5$ -feet)

Waterway width: ~300 feet wide (measure from [MLW or MLLW](#))

Distance ramp and dock extends out into waterway: ~30 feet (measure from [MLW or MLLW](#))

Depth of water under the dock: ~5ft feet (measure from [MLW or MLLW](#))

**Piling or Anchor Replacement for Existing Nonresidential Docks and Other Over-water Structures** ( $\leq 10$  piles or anchors total;  $\leq 24$ " diameter piles or H-piling HP24; steel, untreated wood, precast concrete, or plastic piling)

Number of piles and/or anchors to be replaced: \_\_\_\_\_

Diameter: \_\_\_\_\_ inches

Material(s): \_\_\_\_\_

**Seasonal Public Recreation Structures** (no new piles allowed,  $\leq 4$  cyd for anchors)

Materials: \_\_\_\_\_

Placement date: \_\_\_\_\_ Removal date: \_\_\_\_\_ (within 30 days after end of seasonal use)

**Navigational Aids** ( $\leq 10$  piles or anchors placed and  $\leq 10$  piles or anchors removed)

Number placed: \_\_\_\_\_ Number removed: \_\_\_\_\_

**Derelict and Abandoned Piling Removal** ( $\leq 50$  piles)

Number of piles to be removed: \_\_\_\_\_

**Volume**

Note: Pile volumes are calculated from OHW to the bottom of the pile. If the pile or anchor is hollow, the inside area is included in the volume calculations.

Note: Total cubic yards = cubic yards of removal + cubic yards of fill.

Total: \_\_\_\_\_ cubic yards

**For Complete Notification, Attach All The Following**

- ODFW Fish Passage Plan Approval – For all activities except derelict piling removal.** [Fish Passage Plan](#) authorization or no jurisdiction determination from ODFW.

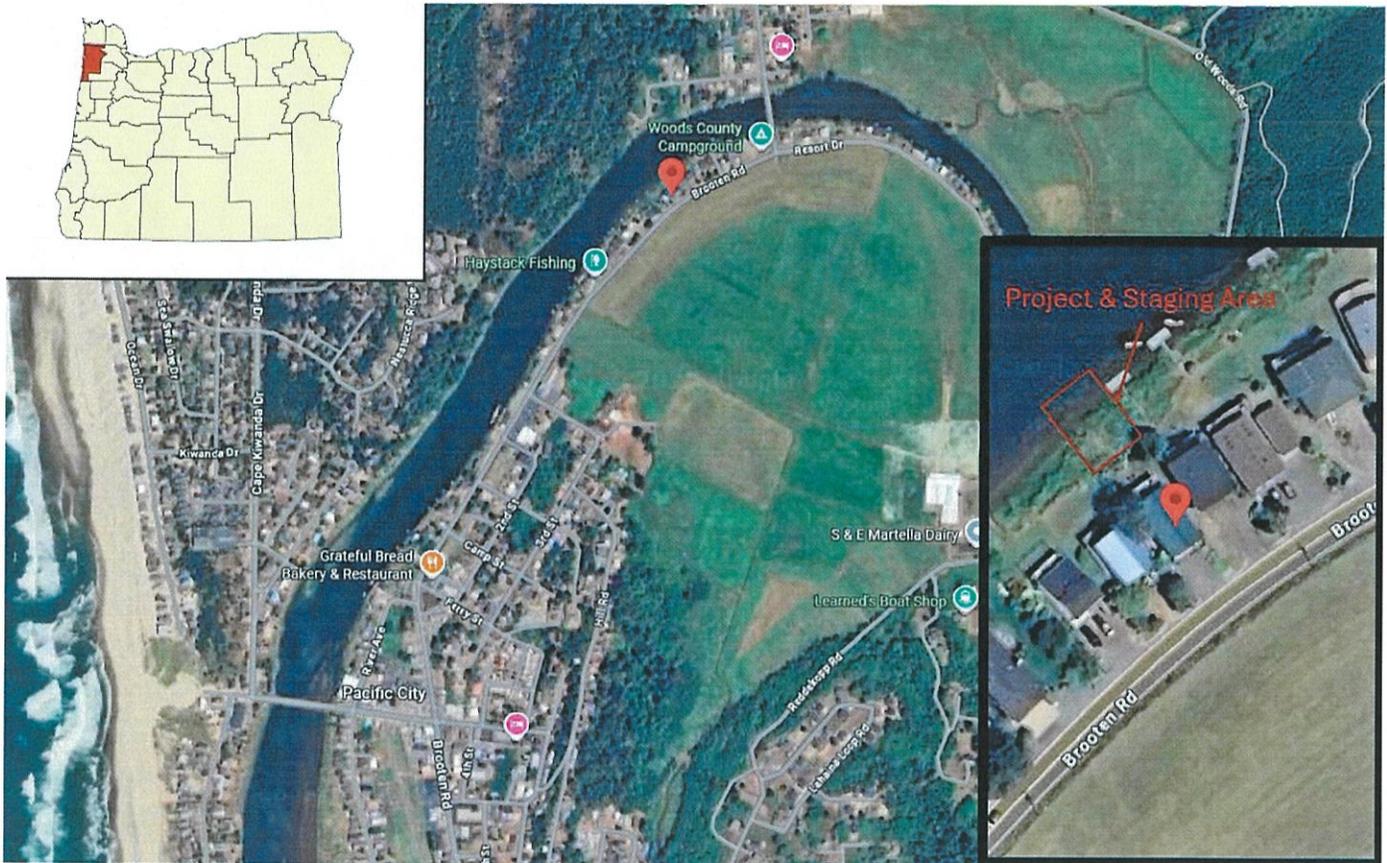
**Project Details:**

This project proposes the installation of a 6' x 24' floating dock, accessible by a 4' x 32' gangway, secured by 2 cables to the shoreline. The dock is proposed for installation at 34100 Brooten Rd, Cloverdale, OR 97112 (tax lot: 5201). The proposed dock system will be prepared and constructed off site and then floated into place from the nearby boat ramp. From which point it will be assembled and secured at the proposed site. As much preparation as possible will be performed off site to minimize time spent working in the waterway.

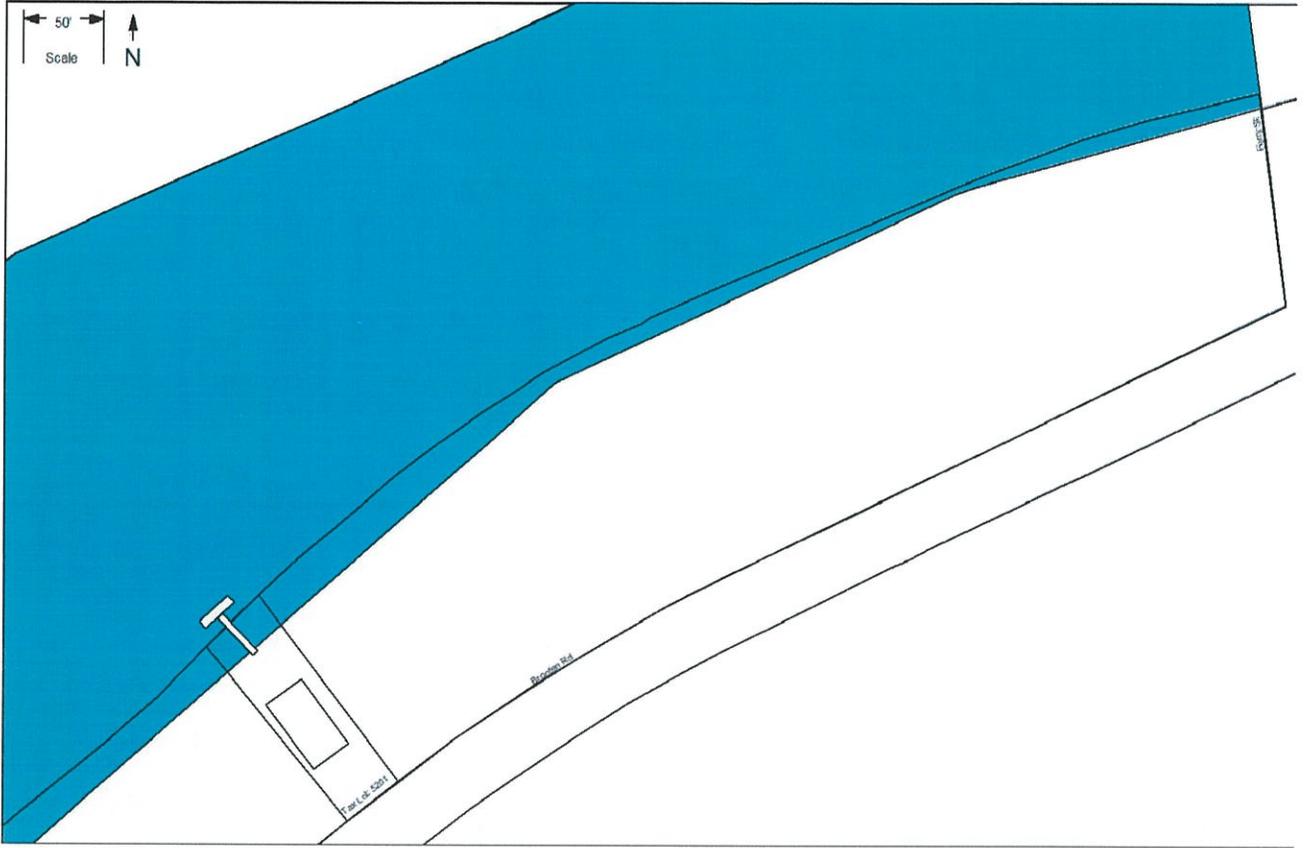
The dock will be constructed of ecologically compliant materials. Framing elements will be marine grade aluminum. Decking will be fiberglass and light penetrative in line with Oregon ecological standards. Flotation will be fully encapsulated foam flotation. The gangway will be 100% grated.

The proposed dock will be 100% grated in grating with 60% open space for the purpose of meeting DSL standards of light penetration. The proposed dock will be constructed of marine grade aluminum, fiberglass decking, and fully encapsulated flotation, all of which meet the requirements for dock construction materials set by DSL. All proposed work will be conducted during the in water work period for the Nestucca River Estuary (Nov 1<sup>st</sup> to Feb 15<sup>th</sup>)

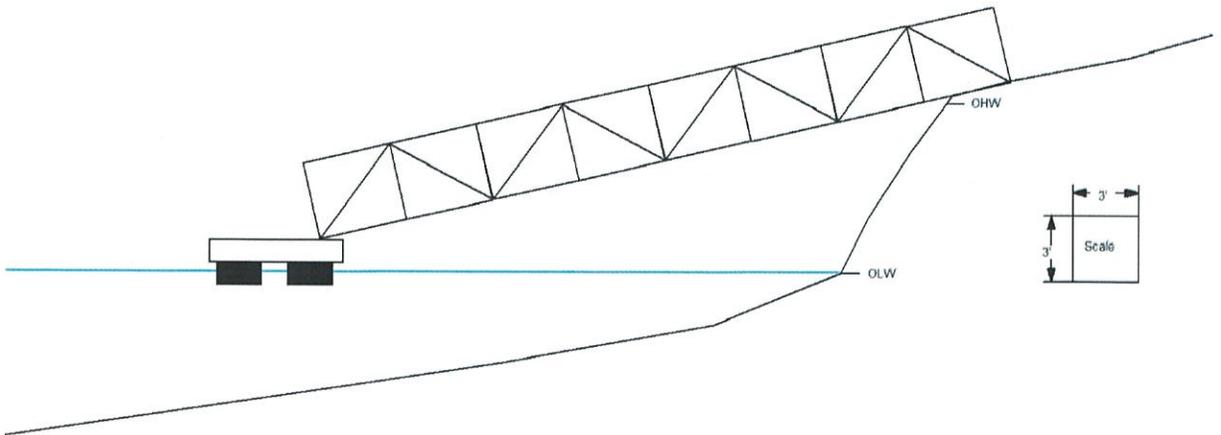
**Project Location Map:**



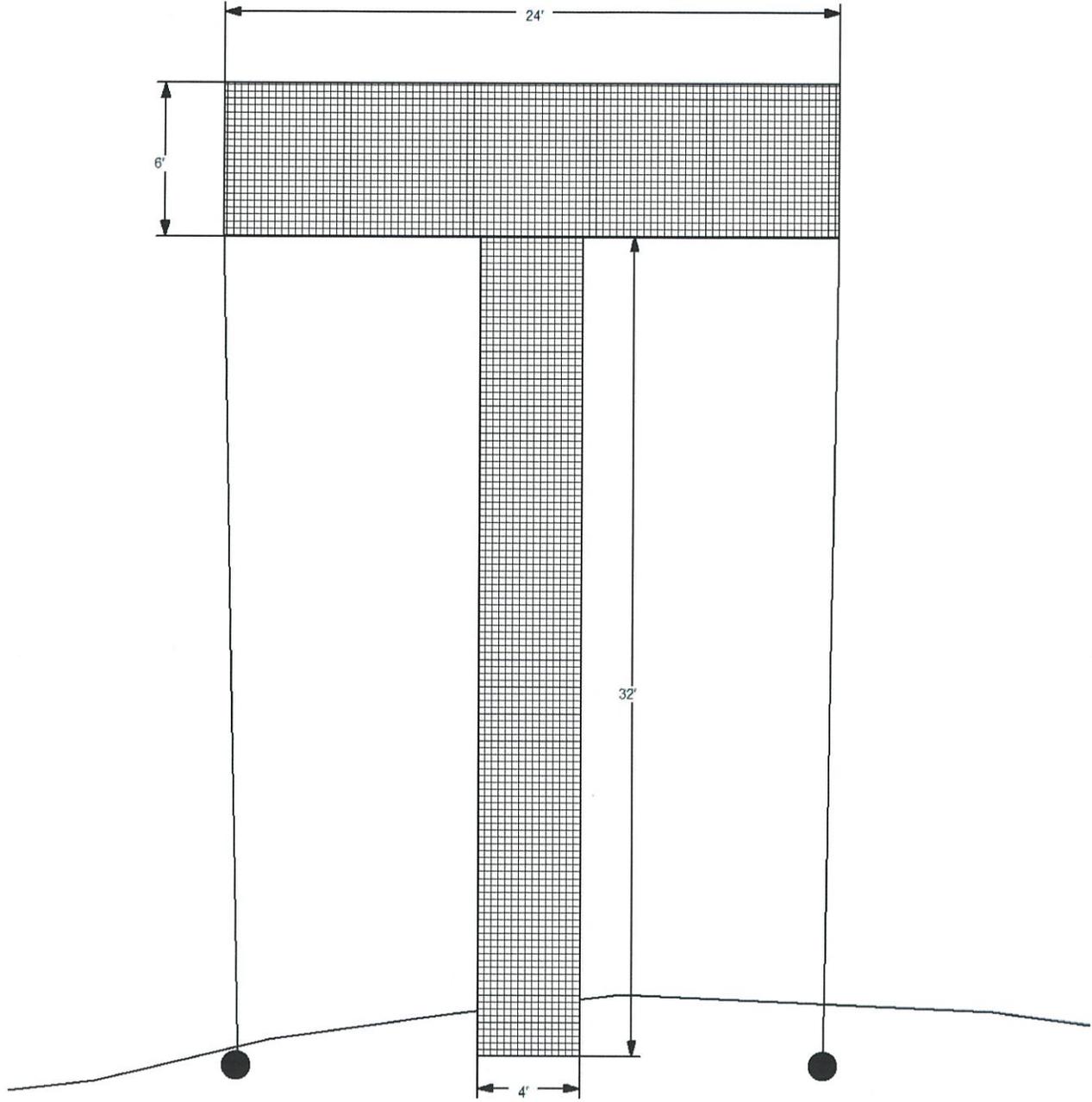
Plan View Map:



Cross Section:



Debbie Boone  
34100 Brooten Rd  
Cloverdale, OR 97112



**OREGON DEPARTMENT OF STATE LANDS  
GENERAL AUTHORIZATION ELIGIBILITY DETERMINATION**

DSL File #: 65833-GA County: Tillamook Notification Received Date: 11/10/2025  
Issue Date: 12/03/2025 Expiration Date: 12/03/2028 (cannot be renewed)

**Project Information**

Responsible Party: Debbie Boone  
Project Name: Debbie Boone Dock Project  
Project Address, or location description: 34100 Brooten Rd, Cloverdale, OR  
Legal Description: T04S, R10W, Section 19AC, Tax Lot(s) 5201  
Latitude, Longitude: 45.210514, -123.956337

**GA Activity Type(s)**

- |   |  |
|---|--|
| <input type="checkbox"/> Minimal Disturbance within ESH                         | <input type="checkbox"/> Waterway Habitat Improvement          |
| <input checked="" type="checkbox"/> Over-Water Structures Fill and Removal      | <input type="checkbox"/> Wetland Ecosystem Improvement         |
| <input type="checkbox"/> Temporary Impacts to Wetlands and Waterways Activities | <input type="checkbox"/> Certain Voluntary Habitat Restoration |
| <input type="checkbox"/> Waterway Bank Stabilization Using Bioengineering       |  |

**DSL Eligibility Determination Details**

- In-Water Work Period:** Nov 1 \_\_\_\_\_ to Feb 15 \_\_\_\_\_ and, if applicable, \_\_\_\_\_ to \_\_\_\_\_
- Activity on State-owned Waterway**  
 Short Term Access Agreement attached  Proprietary Auth in DSL File #: \_\_\_\_\_
- Further Action Required by Applicant BEFORE Starting Work**  
 Obtain DSL Proprietary Authorization  
 Registration  Lease/License  Other \_\_\_\_\_  
 Contact DSL Proprietary Staff at: \_\_\_\_\_  
 Contact DSL Registration Staff at: \_\_\_\_\_  
 Contact ODFW to determine if you need Oregon Rescue/Salvage Permit: \_\_\_\_\_  
(Temporary Impacts to Wetlands and Waterways GA only)
- Post-Project Report Required from Applicant**  
 Submit post-project report to DSL within 90 days of rectification (see OAR141-089-0715(9)).  
(Temporary Impacts to Wetlands and Waterways GA only)  
 Submit post-project report to OWEB at <http://www.oregon.gov/OWEB> upon project completion.  
(Waterway Habitat Improvement & Wetland Ecosystem Improvement GAs only)
- Eligible if the project is constructed as proposed in the application notification received on the date stated above AND if project complies with all attached conditions.**

DSL Staff Signature & Date: \_\_\_\_\_

12/03/2025

## General Authorization Conditions

### 141-089-0650

The following conditions apply to all individual GAs, unless otherwise specified in an individual GA or a notification under OAR 141-089-0640(3)(a):

- (1) Copy of Approved Determination for Inspection. A copy of the determination under OAR 141-089-0640(3)(a) must be available at the work site whenever the project is being conducted.
- (2) **Local Government Approval Required Before Beginning Work.** Prior to the start of work, the responsible party must obtain local government land use approval, where applicable.
- (3) **Lower Willamette River Management Plan (LWRMP or Plan; OAR 141-080) Consistency.** For projects within the purview of the LWRMP, the project must comply with the LWRMP without the need for a minor exception, unless preapproved by the Director, or major exception as described in the Plan.
- (4) **Site Access Required. Employees of the Department and all authorized** representatives must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed on the project.
- (5) **Hazards to Recreation, Navigation, and Fishing.** The project must be timed so as not to interfere with or create a hazard to recreational and commercial navigation and fishing.
- (6) **Work Period in Jurisdictional Areas.** Project activities below the ordinary high water line or highest measured tide line must be conducted consistent with "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources", Oregon Department of Fish and Wildlife, March 2024, or other recommendations provided by ODFW included in a response to a notification. Project activities are prohibited when fish eggs are present at the project site.
- (7) **Preconstruction Resource Area Fencing or Flagging.** Prior to any site grading, the boundaries of any avoided wetlands, waterways, and riparian areas adjacent to the project site must be surrounded by noticeable construction fencing or flagging. There must be no vegetation removal or heavy equipment within marked areas. The marked areas must be maintained during construction of the project and be removed immediately upon project completion.

(8) **Erosion Control Methods.** The following erosion control measures must be installed at the project site prior to construction and maintained during and after construction to prevent erosion and minimize movement of soil into waters of this state:

(a) All exposed soils must be stabilized during and after construction in order to prevent erosion and sedimentation;

(b) Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures must be used to prevent movement of soil into waterways and wetlands;

(c) To prevent erosion, use of compost berms, impervious materials, or other equally effective methods, must be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours;

(d) Unless part of the permanent fill, all construction access points through, and staging areas in, riparian and wetland areas must use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by the Department. At project completion, disturbed areas with soil exposed by construction activities must be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control if native vegetation is unavailable. If soils are to remain exposed for more than seven days after completion of the permitted work, they must be covered with erosion control pads, mats, or similar erosion control devices until vegetative stabilization is installed;

(e) Where vegetation is used for erosion control on slopes steeper than 2:1, tackified seed mulch must be used so the seed does not wash away before germination and rooting;

(f) Dredged or other excavated material must be placed on upland areas having stable slopes and must be prevented from eroding back into waterways and wetlands;

(g) Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized; and

(h) All erosion control structures must be removed when the project is complete and soils stabilized and vegetated. If necessary, removal of erosion control structures may be performed after expiration of the approved OAR 141-089-0640(3)(a) determination.

(9) **Hazardous, Toxic, and Waste Material Handling.** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials must not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges must have a containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

(10) **Archaeological Resources.** If any archaeological resources, artifacts, or human remains are encountered during construction, all construction activity must immediately cease, and the State Historic Preservation Office must be contacted. The responsible party may be contacted by a Tribal representative if it is determined by an affected Tribe that the project could affect Tribal cultural or archeological resources.

(11) **Construction Corridor.** There must be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint.

(12) **Raising or Redirecting Water.** The project must not cause water to rise or be redirected and result in damage to structures or property.

(13) **Waste Disposal.** Old piling, spoil material, and other waste material discarded by the project must be disposed of in an appropriate disposal facility. There must be no temporary storage of piling, spoils, or other waste material below top of bank, in any wetland, Federal Emergency Management Administration designated floodway, or an area historically subject to landslides. For the purposes of this general condition, "spoil material" means any material displaced by construction (e.g., soil, sand, gravel, etc.) and is not intended to be re-incorporated into the project.

(14) **Operation of Equipment in the Water.**

(a) Heavy equipment may be positioned on or traverse the project area below ordinary high water line or highest measured tide line only when the project area is free of flowing or standing water or if the area is isolated from the waterway and aquatic organism salvage is completed. For the purposes of this general condition, "aquatic organism" means all fish species (including lamprey), freshwater mussels, clams, and crayfish; and any other species as may be identified in a Rescue/Salvage Permit.

(b) All machinery operated below ordinary high water line or highest measured tide line must use biodegradable hydraulic fluids, be steam cleaned and inspected for leaks prior to each use, and be diapered to prevent leakage of fuels, oils, or other fluids below ordinary high water line or highest measured tide line. Any equipment found to be leaking fluids must be immediately removed from and kept above the ordinary high water line or highest measured tide line until repaired.

(15) **Fish Passage Required.** The project must meet ODFW requirements for fish passage, ORS 509.585.

(16) **Temporary Ground Disturbances.** Unless otherwise approved by the Department, all temporarily disturbed project areas must be returned to original ground contours and seeded upon completion of ground disturbing actions, and planted with woody vegetation, as appropriate, by March of the year following construction completion.

(17) **Nonnative Species.** The project will not involve the introduction of nonnative plants other than for temporary soil stabilization. Native seed mixes are preferred. When native seed mix is not available, nonnative seed mix that will hold the soil and not persist may be used if certified free of noxious weeds.

(18) **Irrigation.** Where power and irrigation water can be made available, irrigation must be provided as necessary until vegetation is established. Irrigation structures must be removed when no longer needed. Invasive weed control must additionally be provided until native vegetation is established.

(19) **Invasive Species.** Persons must control invasive species and comply with Oregon's weed laws (ORS Chapters 452, 561, and 570).

(20) **DSL May Halt or Modify.** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

## Over Water Structures GA

### 141-089-0680

#### Over-Water Structures Fill and Removal– Purpose

OAR 141-089-0680 to 141-089-0695 set forth the conditions under which a person may, without an individual removal-fill permit, general removal-fill permit, or DEQ remedial action permit waiver from the Department, conduct fill and removal for certain over-water structures and piling in waters of this state. Temporary impacts to wetlands or waterways associated with a project may be authorized by combining this GA (OAR 141-089-0680, et seq.) with the Temporary Impacts to Wetlands and Waterways GA (OAR 141-089-0700, et seq.).

### 141-089-0685

#### Over-Water Structures Fill and Removal – Eligibility Requirements

##### Project activities must adhere to the following:

- (1) Purpose. Fill and removal for certain over-water structures as further defined in OAR 141-089-0690 and piling or anchors placed for over-water structure support or stabilization, navigational aids (e.g., channel markers, mooring and turning piles or dolphins) without footings or other support structure as approved by the Department.
- (2) Limited Placement. Over-water structures, piling, and anchors must be placed:
  - (a) So as not to form headwalls or other bank treatment structures;
  - (b) So as not to impede normal water flow into or within wetlands or deflect water in a manner that causes erosion;
  - (c) So as not to create new uplands; and
  - (d) In nonwetland waters.

### 141-089-0690

#### Over-Water Structures Fill and Removal – Authorized Projects

Project activities are limited to the following. For (1), (2) and (3), docks and structures may be affixed or anchored below or above the ordinary high water line or highest measured tide line:

- (1) Fill and removal for residential docks and associated piling or anchors.
- (2) Piling or anchor replacement for existing nonresidential docks and other over-water structures.
- (3) Seasonal fill and removal for public recreation structures. For the purposes of this section, “public recreation structures” mean non-commercial swimming, viewing and fishing platforms, water slides, water ski ramps or similar structures, and including

floating restrooms, deployed for the benefit of the general public. It does not include structures used as boat docks.

(4) Fill and removal for navigational aids (e.g., channel markers, mooring, turning piles or dolphins).

(5) Derelict and abandoned piling removal.

#### **141-089-0695**

#### **Over-Water Structures Fill and Removal – Project-Specific Conditions**

(1) Project activities must adhere to the general conditions in OAR 141-089-0650 and the following specific conditions, as applicable:

(2) Fill and Removal for Residential Docks and Associated Piling or Anchors. The project is conditioned as follows:

(a) Fill for placement of a new dock, modification of an existing dock, or relocation of an existing dock to a new site must be consistent with ODFW Residential Dock Guidelines, February 2016.

(b) No permanent impact to wetlands is authorized.

(3) Piling or Anchor Replacement for Existing Nonresidential Docks and Other Over-Water Structures. The project is conditioned as follows:

(a) The project must not include any expansion of the existing structure's over-water footprint;

(b) No more than 10 piling or anchors may be replaced for a project;

(c) The project may include placement or replacement of dock floats. If polystyrene is used, an Encapsulated Foam Certification is required from the OR State Marine Board. The project cannot result in a reduced amount of light penetration through the dock; and

(d) No permanent impact to wetlands is authorized.

(4) Seasonal Fill and Removal for Public Recreation Structures. The project is conditioned as follows:

(a) No placement of new piling is authorized;

(b) Fill of up to four cubic yards total anchor volume is allowed. Anchors must be inert material and may not include solid waste as defined in OAR 340-093-0030;

(c) Recreational structure must be seasonally removed within 30 days after the end of the seasonal use (anchors do not need to be removed); and,

(d) No permanent impact to wetlands is authorized.

(5) Fill and Removal for Navigational Aids. The project is conditioned as follows:

(a) Fill of up to 10 piling or anchors and removal of up to 10 piling or anchors per project is authorized; and

(b) No permanent impact to wetlands is authorized.

(6) Derelict and Abandoned Piling Removal. The project is conditioned as follows:

(a) Removal of up to 50 piling per project is authorized;

(b) Authorization includes the backfilling of native sand or other native material into holes left by piling removal; and

(c) No permanent impact to wetlands is authorized.

(7) Conditions for Piling or Anchor Replacement and Removal. Projects involving the fill or removal of piling or anchors are conditioned as follows:

(a) Piling Material. Piling is limited to round steel piling 24 inches in diameter or smaller, steel H-piling designated as HP24 (depth of section 24 inches or less) or smaller, or untreated wood, precast concrete, or plastic piling.

(b) Anchor Material. Anchor material is limited to nonleachable, inert material and cannot include solid waste.

(c) Minimum Necessary. Number of piling or anchors placed must be the minimum necessary to fulfill the essential purpose.

(d) Sound Attenuation for Pile Driving. A vibratory hammer must be used whenever feasible. If an impact hammer must be used to drive or proof steel piles, sound attenuation measures including cushion blocks (wood blocks between pile and hammer) and bubble curtains operated to distribute air bubbles around 100 percent of the piling for the full depth of the water column must be used:

(A) If water velocity is 1.7 miles per hour or less, an unconfined bubble curtain may be used; or

(B) If water velocity is greater than 1.7 miles per hour, a confined bubble curtain (e.g., bubble ring surrounded by fabric or metal sleeve) must be used.

(e) Method for Removal of Piling. Removal of piling must be conducted using a vibratory method:

(A) Piling must not intentionally be broken by twisting or bending;

(B) Upon removal, piling must be handled to effectively contain all adhering sediment. All return flows must meet state water quality standards; and

(C) Piling and containment materials must be disposed in an approved upland disposal site.

(f) Piling Removal Problems in Uncontaminated Sediment. If wood piling breaks above or below the bed surface within an area of uncontaminated sediment, piling must be cut at least three feet below the bed surface or otherwise pushed into that depth, then covered with a cap of clean substrate.

(g) Piling Removal Problems in Contaminated Sediment. If wood piling breaks above the bed surface within an area of known contaminated sediment, piling must be cut at the bed surface or otherwise pushed to that depth. If piling breaks in contaminated sediment below the bed surface, no further attempt at removal may be made and the hole must be covered with a cap of clean substrate.

(h) Prevent Perching. Piling extending above dock or railing level must be fitted with devices to effectively prevent perching by fish-eating bird species.

(i) Barge or Top of Bank Position. Piling must be placed or removed from a barge-mounted or above top-of-bank position. If barge-mounted, barge must not at any time be grounded in the bed or banks.

(j) Backfilling. Placement of native sand or other native materials is required in holes left by the removal of piling unless otherwise approved by the Department.

(k) Where needed, temporary placement of containment booms is allowed. Containment booms must be removed immediately following the completion of the project.

### **TLCUO SECTION 3.510(14)(b) Development Permit Review Criteria:**

- (1) The fill is not within a Coastal High Hazard Area.
  - a. The proposed fill is not within the Coastal High Hazard Area.
- (2) Fill placed within the Regulatory Floodway shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - a. The proposed dock will displace minimal water and will not be pile supported. As such it will not increase flood levels during the occurrence of the base flood discharge.
- (3) The fill is necessary for an approved use on the property.
  - a. The fill is necessary for the approved use of increasing access to the waterway for the purpose of recreation by the parcel owner.
- (4) The fill is the minimum amount necessary to achieve the approved use.
  - a. Proposed dock is 144ft<sup>2</sup> in size, and is within size guidelines set by DSL for General Authorization Permit approval. The proposed dock is of a size necessary to obtain stability, and meet all intended uses, without being any larger.
- (5) No feasible alternative upland locations exist on the property.
  - a. Due to the small size of the parcel, as well as the water dependent use, no other location on site would be practicable for the proposed dock.
- (6) The fill does not impede or alter drainage or the flow of floodwaters.
  - a. Proposed fill is an overwater structure which will be 100% grated per Oregon code. As such all waters passing through the proposed fill will not be impeded or meaningfully altered.
- (7) If the proposal is for a new critical facility, no feasible alternative site is available.
  - a. This is not a proposal for a new critical facility.
- (8) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (14)(a)(1-4) and (b)(1-5):
  - a. The proposed work is not for creation of a new, or modification of an existing Flood Refuge Platform. As such none of the following apply to the proposed work.
    - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.

### SECTION 3.140: ESTUARY DEVELOPMENT STANDARDS

(3) DOCKS AND MOORAGES: Siting, design, construction, maintenance or expansion of new docks and moorages in estuary zones, Water-Dependent Development (WWD) Shoreland Zones or other areas within the Shoreland Overlay Zone shall be subject to the following standards:

(a) Docks and moorages policy requirements in the Tillamook County Comprehensive Plan shall be met.

(b) When new construction or expansion of docks and moorages is proposed, evidence shall be provided by the applicant and findings made by the County that:

(1) The size of the facility is the minimum necessary to accommodate the number and size of boats using the facility. The maximum size limit for a single purpose private dock (excluding walkways) shall be 200 square feet. Larger docks may be permitted subject to the Conditional Use provisions of Article VI of this Ordinance.

a. The proposed dock is 144 ft<sup>2</sup>, the minimum size needed to achieve stability and facilitate all intended uses.

(2) Alternatives such as dryland storage, launching ramps or mooring buoys are impracticable.

a. Due to the size and shape of the subject parcel, as well as intended use for recreational access to the waterway, other alternatives were impracticable.

(c) To ensure that consideration is given to the beneficial economic and social impacts of moorages on local communities, proposals for new or expanded moorages should include statements on the impacts to local communities derived from increases in employment or increases in commercial or recreational activity

a. Proposed work is a private dock for a single-family residence, It will not have a sustained benefit to the above criteria due to the private nature.

(d) Open pile piers or secured floats shall be used for dock construction. Piers and floats shall extend no further out into the water than is needed to provide navigational access.

a. Proposed dock will be secured to shore by cables, no pile will be driven in the waterway. Dock is placed as close to shore as feasible while maintaining sufficient depth beneath the dock in low water conditions.

(e) Floating docks shall be designed so that they do not rest on the bottom at low water.

a. Proposed dock will have ~ 5ft water depth beneath it at ordinary low water conditions.

(f) Single purpose docks shall be permitted if evidence is provided by the applicant and findings made by the County that cooperative use facilities (marinas or community docks or mooring buoys) are unavailable, impractical or will not satisfy the need.

a. The parcel is not near enough to a marina or community dock for them to provide the homeowner with practical use of their services. Additionally as the primary purpose of this dock is to provide recreational access to the water i.e. swimming, fishing, ect at the parcel in question, a mooring buoy will not suffice for meeting the needs which a floating dock would.

**RE: Fish Passage Plan GA Approval - KC Marine LLC**

**APKE Greg D \* ODFW** <Greg.D.APKE@odfw.oregon.gov >

Mon, 10 Nov 2025 8:22:57 AM -0800

To "Amber Cowan"<permits@kcmarinellc.com>

Cc "SINNOTT Michael \* ODFW"<Michael.SINNOTT@odfw.oregon.gov>,"APKE Greg D \* ODFW"<Greg.D.APKE@odfw.oregon.gov>

Amber –

ODFW has reviewed the proposed action you submitted on behalf of Mrs. Debbie Boone and located at 34100 Brooten Rd. in Cloverdale OR. 97112 to install a new boat dock along the lower Nestucca River. We have determined the action will not impair the passage of native migratory fish. Thank you for confirming the work will be completed during the ODFW.

If you need further assistance, please reach out to Mike Sinnott, ODFW Assistant District Fish Biologist (cc'd on this correspondence).

Thanks, Greg

**Greg Apke**

ODFW Fish Screens & Passage Program Manager

503-947-6228 (wk)

503-931-4361 (cell)

[greg.d.apke@odfw.oregon.gov](mailto:greg.d.apke@odfw.oregon.gov)

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**From:** Amber Cowan <[permits@kcmarinellc.com](mailto:permits@kcmarinellc.com)>

**Sent:** Monday, November 10, 2025 8:09 AM

**To:** APKE Greg D \* ODFW <[Greg.D.APKE@odfw.oregon.gov](mailto:Greg.D.APKE@odfw.oregon.gov)>

**Subject:** RE: Fish Passage Plan GA Approval - KC Marine LLC

Hello Greg,

A firm date for installation has not been selected yet, as there are scheduling logistics to be figured out still. That being said, the project will be installed within the in water work period DSL has set of Nov 1st to Feb 15th. No variance will be needed at this time. Please let me know if any further information is needed.

Sincerely,

Amber Cowan  
KC Marine LLC, Permit Coordinator  
971-409-3430

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----- On Fri, 07 Nov 2025 17:04:23 -0800 **APKE Greg D \* ODFW**  
<[Greg.D.APKE@odfw.oregon.gov](mailto:Greg.D.APKE@odfw.oregon.gov)> wrote ---

Amber,

When does the applicant plan to install the boat ramp? There is an ODFW in-water work timing restriction and for this area is limited to Nov 1 to Feb 15. Please follow up with me on this and how the applicant plans implement the project to align with these dates. Proposals to work outside this window will need to pursue a variance from DSL, who then will coordinate with ODFW on this request.

Thanks, Greg

**Greg Apke**  
ODFW Fish Screens & Passage Program Manager  
503-947-6228 (wk)  
503-931-4361 (cell)  
[greg.d.apke@odfw.oregon.gov](mailto:greg.d.apke@odfw.oregon.gov)

---

**From:** Amber Cowan <[permits@kcmarinellc.com](mailto:permits@kcmarinellc.com)>  
**Sent:** Thursday, November 6, 2025 8:07 AM  
**To:** APKE Greg D \* ODFW <[Greg.D.APKE@odfw.oregon.gov](mailto:Greg.D.APKE@odfw.oregon.gov)>  
**Subject:** RE: Fish Passage Plan GA Approval - KC Marine LLC

Hello Greg,

Thank you for your patience. Attached to this email is a signed copy of the documentation. Please let me know if anything else is needed.

Sincerely,  
Amber Cowan  
KC Marine LLC, Permit Coordinator  
971-409-3430

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----- On Sun, 02 Nov 2025 09:19:17 -0800 **APKE Greg D \* ODFW**  
<[Greg.D.APKE@odfw.oregon.gov](mailto:Greg.D.APKE@odfw.oregon.gov)> wrote ---

I will forward this information along to the ODFW District staff in Tillamook once we have the signed information.

Thanks, Greg

**Greg Apke**  
ODFW Fish Screens & Passage Program Manager  
503-947-6228 (wk)  
503-931-4361 (cell)  
[greg.d.apke@odfw.oregon.gov](mailto:greg.d.apke@odfw.oregon.gov)

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**From:** APKE Greg D \* ODFW <[Greg.d.apke@odfw.oregon.gov](mailto:Greg.d.apke@odfw.oregon.gov)>  
**Sent:** Sunday, November 2, 2025 9:10 AM  
**To:** Amber Cowan <[permits@kcmarinellc.com](mailto:permits@kcmarinellc.com)>  
**Cc:** APKE Greg D \* ODFW <[Greg.D.APKE@odfw.oregon.gov](mailto:Greg.D.APKE@odfw.oregon.gov)>  
**Subject:** RE: Fish Passage Plan GA Approval - KC Marine LLC

Amber –

I'm not seeing any formal signature from Debbie Boon on this DLS application. Has the application been signed by the applicant and if so, we will need a final & signed application to ensure this is the final version and represents the applicant's proposed action?

Please let me know.

Thanks, Greg

**Greg Apke**  
ODFW Fish Screens & Passage Program Manager  
503-947-6228 (wk)  
503-931-4361 (cell)  
[greg.d.apke@odfw.oregon.gov](mailto:greg.d.apke@odfw.oregon.gov)

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**From:** Amber Cowan <[permits@kcmarinellc.com](mailto:permits@kcmarinellc.com)>  
**Sent:** Friday, October 31, 2025 10:52 AM  
**To:** APKE Greg D \* ODFW <[Greg.d.apke@odfw.oregon.gov](mailto:Greg.d.apke@odfw.oregon.gov)>  
**Subject:** Fish Passage Plan GA Approval - KC Marine LLC

You don't often get email from [permits@kcmarinellc.com](mailto:permits@kcmarinellc.com). [Learn why this is important](#)

Hello Greg,

Thank you again for returning my call this morning. Attached to this email is the current draft copy of the GA we discussed which is in need of approval for fish passage. Please let me know if any further information is needed.

Sincerely,  
Amber Cowan  
KC Marine LLC, Permit Coordinator  
971-409-3430

# EXHIBIT C

## Melissa Jenck

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**From:** BRADLEY Robert \* ODFW <Robert.BRADLEY@odfw.oregon.gov>  
**Sent:** Wednesday, February 18, 2026 10:15 AM  
**To:** Melissa Jenck  
**Cc:** Sarah Thompson  
**Subject:** EXTERNAL: RE: 851-25-000595-PLNG: Cowan/Boone

**[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Melissa,

Looks like this project meets our dock guidelines and in-water timing. No concerns there.

The construction of the gangway at the bank and placement of the cables will result in some permanent loss of riparian vegetation along the bank. We suggest that some mitigation in the form of planting of native riparian vegetation (trees, shrubs, etc.) be a requirement of permit approval. The planting should cover an area greater than or equal to the square footage occupied by the gangway/cables within the riparian portion of the bank (not including elements suspended over the water).

Robert

Robert W. Bradley  
District Fish Biologist  
Oregon Department of Fish and Wildlife  
North Coast Watershed District  
4907 Third St  
Tillamook, OR 97141  
503-842-2741 x18613 (w)  
503-842-8385 (fax)

---

**From:** Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>  
**Sent:** Wednesday, February 11, 2026 9:30 AM  
**To:** Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>  
**Cc:** Sarah Thompson <sarah.thompson@tillamookcounty.gov>  
**Subject:** 851-25-000595-PLNG: Cowan/Boone

Good morning,

Please see the link below for the Notice of Application for request #851-25-000595-PLNG.

<https://www.tillamookcounty.gov/commdev/project/851-25-000595-plng>

Sincerely,

\*\*\* Please note that the Tillamook County domain has changed, and my email address is now [Melissa.Jenck@tillamookcounty.gov](mailto:Melissa.Jenck@tillamookcounty.gov) Please update your contact information as needed. Thank you. \*\*\*



**Melissa Jenck** (she/her) | Senior Planner  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x 3301  
[Melissa.Jenck@tillamookcounty.gov](mailto:Melissa.Jenck@tillamookcounty.gov)

**My working hours are 8:00am to 5:30pm, Monday thru Thursday, and 8:00am-12:00pm on Friday.**

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

*Any opinion or advice provided herein is informational only and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of Tillamook County's Land Use Ordinance, Land Division Ordinance and Comprehensive Plan, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.*

*This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).*

*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.*



# Wetland Land Use Notice Response

## Response Page

Department of State Lands (DSL) WN#\*

WN2026-0103

## Responsible Jurisdiction

**Staff Contact**

Melissa Jenck

**Jurisdiction Type**

County

**Municipality**

Tillamook

**Local case file #**

851-25-000595-PLNG

**County**

Tillamook

## Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
04S	10W	19	AC	5201

Street Address

34100 Brooten Rd

Address Line 2

City

Pacific City

Postal / Zip Code

State / Province / Region

OR

Country

Tillamook

**Latitude**

45.210658

**Longitude**

-123.956506

## Wetland/Waterway/Other Water Features



- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The National Hydrography Dataset shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

## Your Activity



It appears the proposed project is within a state-owned water and **will require** an authorization

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

## Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

## DSL Review

### Wetland Ecologist Comments

The Nestucca River is an Essential Salmonid Habitat (ESH) designated waterway, which would mean that any impacts (fills, removals, or other ground disturbances) within the OHW/MHT boundary could require a state permit. Based upon the plans provided, it appears the structure will avoid impacts below OHW/MHT and therefore would not require a removal/fill permit.

However, lands under the Nestucca River are owned by the State of Oregon and any use of State-owned lands may require a lease, easement, or other proprietary authorization from the Department. There is currently an active authorization (APP65833) for the proposed structure on file with DSL. Please contact Dario Frisone at (503) 302-6094 for any additional information.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county.

### Response Date

3/5/2026

### Response by:

Josh Goldsmith

### Response Phone:

971-375-1675

## Melissa Jenck

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**From:** Brian Olle  
**Sent:** Wednesday, February 11, 2026 11:16 AM  
**To:** Melissa Jenck  
**Cc:** Sarah Thompson  
**Subject:** RE: 851-25-000595-PLNG: Cowan/Boone

Hi Melissa,

Public Works has no comments or concerns with this application.

Thanks,

**Brian Olle, P.E.** | Engineering Project Manager  
TILLAMOOK COUNTY | Public Works  
Cell: (503)812-6569

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**From:** Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>  
**Sent:** Wednesday, February 11, 2026 9:30 AM  
**To:** Melissa Jenck <Melissa.Jenck@tillamookcounty.gov>  
**Cc:** Sarah Thompson <sarah.thompson@tillamookcounty.gov>  
**Subject:** 851-25-000595-PLNG: Cowan/Boone

Good morning,

Please see the link below for the Notice of Application for request #851-25-000595-PLNG.

<https://www.tillamookcounty.gov/commdev/project/851-25-000595-plng>

Sincerely,

\*\*\* Please note that the Tillamook County domain has changed, and my email address is now [Melissa.Jenck@tillamookcounty.gov](mailto:Melissa.Jenck@tillamookcounty.gov) Please update your contact information as needed. Thank you. \*\*\*



**Melissa Jenck** (she/her) | Senior Planner  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x 3301  
[Melissa.Jenck@tillamookcounty.gov](mailto:Melissa.Jenck@tillamookcounty.gov)

**My working hours are 8:00am to 5:30pm, Monday thru Thursday, and 8:00am-12:00pm on Friday.**

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*Any opinion or advice provided herein is informational only and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of Tillamook County's Land Use Ordinance, Land Division Ordinance and Comprehensive Plan, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.*

*This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).*

*The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.tillamookcounty.gov/commdev> to access the appointment scheduler portal.*